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# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES

containing the  
1991 Session  
December 5, 1990  
through  
June 27, 1991  
and  
Recall Session of  
November 12, 1991

HAROLD W. BURNS  
SPEAKER

JAMES A. CHANDLER  
CLERK

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# REGULAR SESSION OF 1991

## HOUSE JOURNAL No. 1

Wednesday, December 5, 1990

The House assembled at 1:00 p.m.

On the first Wednesday in December in the year of our Lord, one thousand nine hundred and ninety, being the day designated by the Constitution for assembling of that body, the one hundred and fifty-second General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by James A. Chandler, House Clerk for the preceding session.

Prayer was offered by Rep.-elect Calvin Warburton of Raymond.

Almighty One, we are about to begin a tough biennium and possibly a tough decade. In New Hampshire, providing answers to the problems will fall heavily on the shoulders of the members of this House.

All of the members will need help, especially Your help, including those present.

So, we ask Your blessing upon the Governor, the Judiciary, the Senate (they need it also), the House and the bureaucracy.

But above all we invoke individual blessings on each member of the House, and a special blessing on the new members.

God Bless New Hampshire and the United States of America. Amen.

Rep.-elect Stephen Burke of Nashua led the Pledge of Allegiance

House members-elect sang the National Anthem accompanied by Rep.-elect Eleanor Amidon at the Knight Memorial organ.

### LEAVES OF ABSENCE

Rep.-elect Guay, the day, illness.

Rep.-elect Steiner, Patricia Brown and Trelfa, the day, important business.

### CALL OF THE ROLL

#### BELKNAP COUNTY

Dist. No. 1 Steven R. Maviglio, d&r

Dist. No. 2 William W. Joscelyn, d

Dist. No. 3 Thomas B. Salatiello, d

Dist. No. 4 Carl R. Johnson, r&d; Charles C. Vogler, r&d

Dist. No. 5 Gordon E. Bartlett, r; Thomas G. Cain, r; Richard H. Campbell, Jr., r;  
Robert S. Hawkins, r

Dist. No. 6 Arnold P. Shibley, r, Alice S. Ziegra, r&d

Dist. No. 7 Paul A. Golden, r

Dist. No. 8 Thomas E.P. Rice, Jr., r

Dist. No. 9 Ralph J. Rosen, r

Dist. No. 10 Harry Accornero, r; Peter J. Zaharchuk, Jr., r

Dist. No. 11 Robert H. Turner, r

Dist. No. 12 Glenn E. Dewhirst, r

Dist. No. 13 Robert G. Holbrook, r&d

#### CARROLL COUNTY

Dist. No. 1 Gene G. Chandler, r&d

Dist. No. 2 Nanci A. Allard, r; Howard C. Dickinson, Jr., r; A. Gibb Dodge, r

Dist. No. 3 Robert J. Daly, Jr., r

- Dist. No. 4 Robert W. Foster, r; Allen R. Wiggin, r
- Dist. No. 5 Robert R. Jean, r; Howard N. Saunders, r
- Dist. No. 6 Mildred A. Beach, r; Jeb E. Bradley, r
- Dist. No. 7 Gordon E. Wiggin, r&d

### CHESHIRE COUNTY

- Dist. No. 1 James B. Hogan, r; David A. Young, r
- Dist. No. 2 John J. Laurent, r&d; Jo Ann T. Morse, r
- Dist. No. 3 Eugene W. Clark, d&r; Kenneth A. Cole, d; Irene A. Pratt, d
- Dist. No. 4 Joseph N. Feuer, r
- Dist. No. 5 Daniel M. Burnham, d; William A. Riley, d&r
- Dist. No. 6 Richard A. Grodin, r&d; Alfred P. Sawyer, r
- Dist. No. 7 Wayne A. Kennison, i
- Dist. No. 8 Donald O. Crutchley, r
- Dist. No. 9 John B. Hunt, r
- Dist. No. 10 Stacey W. Cole, r; David M. Perry, r
- Dist. No. 11 Katherine H. Metzger, r
- Dist. No. 12 Benjamin J. DePecol, d&r
- Dist. No. 13 Susan S. Spear, d&r
- Dist. No. 14 H. Thayer Kingsbury, d
- Dist. No. 15 Gertrude B. Pearson, r&d
- Dist. No. 16 David M. LaMar, d
- Dist. No. 17 Richard L. Champagne, d; Richard F. Doucette, d; Katherine D. Foster, d; Margaret A. Lynch, d

### COOS COUNTY

- Dist. No. 1 Beaton Marsh, r; Gerald P. Merrill, r
- Dist. No. 2 C. Fitzgerald Buckley, r
- Dist. No. 3 Josephine Mayhew, d
- Dist. No. 4 Lynn C. Horton, r
- Dist. No. 5 Harold W. Burns, r&d
- Dist. No. 6 Leighton C. Pratt, r
- Dist. No. 7 Terry D. Oliver, d
- Dist. No. 8 Catherine V. Brungot, r; Henry W. Coulombe, d&r; Marie C. Hawkinson, d&r; Dennis J. Kilbride, d; Harold D. Nelson, d&r; Romeo J. Theriault, d

### GRAFTON COUNTY

- Dist. No. 1 Richard L. Hill, r; Kathleen W. Ward, r&d; Henry F. Whitcomb, Jr., r
- Dist. No. 2 None
- Dist. No. 3 Deborah P. McIlwaine, d
- Dist. No. 4 Roger G. Stewart, r
- Dist. No. 5 Paul I. LaMott, r&d; Douglass P. Teschner, r&d
- Dist. No. 6 J. Keith Markley, r; Paul R. White, r
- Dist. No. 7 Deborah L. Arnesen, d
- Dist. No. 8 David O. Dow, r&d; William J. Driscoll, r&d; Niels F. Nielsen, Jr., r&d
- Dist. No. 9 Nils H. Larson, Jr., r
- Dist. No. 10 None
- Dist. No. 11 C. Dana Christy, r&d; David M. Scanlan, r&d



- Dist. No. 12 Mary P. Chambers, d; Marion L. Copenhaver, d; Robert H. Guest, d; Sharon L. Nordgren, d
- Dist. No. 13 Carl S. Adams, r; Pamela B. Bean, r&d; Channing T. Brown, r; Richard W. Lougee, r; Karen O. Wadsworth, r&d

### HILLSBOROUGH COUNTY

- Dist. No. 1 David D. Hultgren, r; Ervin R. Lachut, r
- Dist. No. 2 Larry G. Elliott, r
- Dist. No. 3 Neal M. Kurk, r&d
- Dist. No. 4 Roland A. Sallada, r
- Dist. No. 5 Elizabeth A. Moore, r
- Dist. No. 6 Lawrence A. Emerton, Sr., r; Ruth E. Gage, d; Daniel P. McNerney, r; Karen K. McRae, r; Robert L. Wheeler, r
- Dist. No. 7 Eleanor H. Amidon, r; Merton S. Dyer, r; Stanley W. Peters, r
- Dist. No. 8 Paul L. Drolet, r; Howard F. Mason, r
- Dist. No. 9 Garret P. Cowenhoven, r; Carol H. Holden, r; Elizabeth D. Lown, r&d
- Dist. No. 10 Gary L. Daniels, r&d; Charles W. Ferguson, r&d; Lester R. Perham, r&d; David K. Wheeler, r&d
- Dist. No. 11 Dorothy C. Bowers, r&d; Maurice E. Goulet, r; Dana F. Kelley, r&d; Barbara A. Upton, r&d
- Dist. No. 12 Ellen-Ann Robinson, r
- Dist. No. 13 Frederick G. Ahrens, r; Emma M. Dodge, r; Dennis H. Fields, r; Robert N. Kelley, r; Robert J. L'Heureux, r&d; Finlay C. Rothhaus, r
- Dist. No. 14 Leon Calawa, Jr., r
- Dist. No. 15 Bonnie B. Packard, r&d
- Dist. No. 16 Betty B. Hall, d
- Dist. No. 17 Gregory L. Hanselman, i&d
- Dist. No. 18 Susan B. Durham, r; George W. Wright, r
- Dist. No. 19 David J. Alukonis, r; George H. Baker, Sr., d; Shawn N. Jasper, r; G. Philip Rodgers, r; Stanley N. Searles, Sr., r; Joan C. Tate, r
- Dist. No. 20 James J. Fenton, r; Eva M. Lawrence, r; Norman B. Lawrence, r
- Dist. No. 21 Leonard A. Smith, r
- Dist. No. 22 Philip M. Ackerman, d; Barbara J. Baldizar, d; Alan B. Greenglass, r
- Dist. No. 23 Robert S. Mercer, r; Alice B. Record, r; Stanley R. Vanderlosk, r
- Dist. No. 24 Robert A. Daigle, d&r; Arthur P. Ferlan, r; Nancy M. Ford, r
- Dist. No. 25 Jane A. Clemons, d; David E. Cote, d; Donnalee M. Lozeau, r
- Dist. No. 26 Frederick B. Andrews, r; Francis X. Donovan, d; Mary Ellen Martin, d
- Dist. No. 27 Richard D. Chasse, d
- Dist. No. 28 Alphonse A. Haettenschwiller, d; Romeo W. Jean, d; Steve Kuchinski, d
- Dist. No. 29 Gabrielle V. Gagnon, d; Roland J. Lefebvre, d; James E. McDowell, d&r
- Dist. No. 30 Adam C. Gureckis, Sr., d&r; Janet E. Hickey, r; Mary H. Jordan, d
- Dist. No. 31 Stephen J. Burke, d; Bonnie Lou McCann, d&r
- Dist. No. 32 A. Theresa Drabinowicz, d
- Dist. No. 33 Barbara E. Arnold, r
- Dist. No. 34 Walter F. Healy, r; Catherine A. Schneiderat, r; Walter A. Stiles, r

- Dist. No. 35 Ann J. Bourque, d; Theodora P. Nardi, d; Joanne A. O'Rourke, d&r
- Dist. No. 36 Scott E. Green, r
- Dist. No. 37 Lionel W. Johnson, d; Cornelius J. Keane, d; Leo P. Pepino, r
- Dist. No. 38 Daniel J. Healy, d; Roger B. Larochelle, d; J. Francis Laughlin, d
- Dist. No. 39 Benjamin C. Baroody, d; Gregory Janas, d; Donna M. Soucy, d
- Dist. No. 40 Robert E. Murphy, d
- Dist. No. 41 Edward J. Crotty, d&r; Patricia R. Dwyer, d; Charles J. Leclerc, d
- Dist. No. 42 Raymond Buckley, d; Valerie S. Cook, r; Jacquelyn M. Domaingue, r
- Dist. No. 43 William J. Desrosiers, r; Gerald O. Gosselin, d; Frank P. King, d
- Dist. No. 44 Frances L. Riley, r
- Dist. No. 45 Irene M. Messier, r; Frank J. Reidy, d&r; John M. White, d
- Dist. No. 46 Paul R. Dionne, d; Rodolphe G. Paquette, d; Roland M. Turgeon, d
- Dist. No. 47 Gerard T. Desrochers, d; Eugene L. Gagnon, r; Lillian I. Rheault, r
- Dist. No. 48 Robert O. Ouellette, r

### MERRIMACK COUNTY

- Dist. No. 1 Earle W. Chandler, r; John P. Chandler, r
- Dist. No. 2 Alf E. Jacobson, r; William F. Kidder, r; Avis B. Nichols, r
- Dist. No. 3 Thea G. Braiterman, d; Mary E. Molner, d
- Dist. No. 4 Rick A. Trombly, d&r
- Dist. No. 5 Susan D. Carter, r; C. William Johnson, r&d; Mary Ann Lewis, r&d; Peter M. Stio, r
- Dist. No. 6 Richard A. Barberia, r; Robert A. Lockwood, r&d; Henry F. Stapleton, r
- Dist. No. 7 Eleanor M. Anderson, r; Patricia A. Fair, r; Douglas E. Hall, r; Charles B. Yeaton, d
- Dist. No. 8 Gabriel J. Daneault, d&r; George E. Letourneau, d&r
- Dist. No. 9 Lowell D. Apple, r&d; Laurent J. Boucher, r; Thomas J. Christie, r
- Dist. No. 10 Bronwyn L. Asplund, r&d; James A. Whittemore, r&d
- Dist. No. 11 Joyce M. Johnson, d&r
- Dist. No. 12 Robert M. Gilbreth, r&d
- Dist. No. 13 Mary C. Holmes, r
- Dist. No. 14 Michael J. Hill, r
- Dist. No. 15 Paul R. Fillion, r
- Dist. No. 16 Caroline L. Gross, r
- Dist. No. 17 Francis D. Jelley, d
- Dist. No. 18 Bert Teague, r
- Dist. No. 19 Jennifer G. Soldati, d&r
- Dist. No. 20 Gerald R. Smith, r
- Dist. No. 21 Miriam D. Dunn, d; Elizabeth S. Hager, r; Robert C. Hayes, r; Mary Jane Wallner, d; John F. Weeks, Jr., r

### ROCKINGHAM COUNTY

- Dist. No. 1 Robert A. Johnson, r
- Dist. No. 2 Margaret B. Terninko, d
- Dist. No. 3 Russell G. Seward, r
- Dist. No. 4 David R. Connell, r&d
- Dist. No. 5 Richardson D. Benton, r&d; Harry E. Flanders, r; William Gregorio, r



- Dist. No. 6 John S. Barnes, Jr., r; John Hoar, Jr., r&d; Kathleen M. Hoelzel, r; Calvin Warburton, r
- Dist. No. 7 Eunice M. Campbell, r; Janet M. Conroy, r&d; Sandra K. Dowd, r&d; Patricia A. Dowling, r&d; George N. Katsakiores, r&d; Brenda E. Keith, r&d; Virginia K. Lovejoy, r; Nancy W. MacKinnon, r&d
- Dist. No. 8 Robert V. Falwell, r&d; Natalie S. Flanagan, r&d
- Dist. No. 9 LeRoy S. Dube, r&d; Richard L. Haynes, r; Merilyn P. Senter, r&d; Peter M. Simon, r&d
- Dist. No. 10 John W. Flanders, Sr., r; David A. Welch, r&d; Kenneth L. Weyler, r&d
- Dist. No. 11 Patricia L. Cote, r; William F. McCain, r&d
- Dist. No. 12 Albert Caswell, Jr., d; Joseph Schanda, Sr., d
- Dist. No. 13 Carmela M. DiPietro, r; David A. Flanders, r; Thaddeus E. Klemarczyk, r; Harold F. Magoon, r; Arthur Tufts, r
- Dist. No. 14 Jeffrey M. Brown, r; Charles H. Felch, Sr., r
- Dist. No. 15 James R. Rosencrantz, d
- Dist. No. 16 Frank J. Palazzo, r
- Dist. No. 17 Andrew Christie, Jr., r; Sharleene P. Hurst, r; Kenneth W. Malcolm, r; Ednapearl F. Parr, r; LeRoy C. Thayer, r
- Dist. No. 18 John J. Coffey, r; Herbert R. Drake, r; Elizabeth A. Greene, r; John J. McCarthy, Jr., r
- Dist. No. 19 George R. Rubin, r&d; Deborah L. Woods, r
- Dist. No. 20 Stephen W. Bucu, r; Marilyn R. Campbell, r; Annette M. Cooke, r&d; Bert H. Ford, r; Beverly A. Gage, r&d; Bernard J. Raynowska, r; Donald L. Roulston, r; Arthur W. Smith, r; Donna P. Sytek, r&d
- \*(Rep.-elect Elsie Vartanian notified the Secretary of State that she has accepted employment in the federal government and will not be able to take her oath of office.)
- Dist. No. 21 Peter G. Chulack, Sr., r; Patricia M. Skinner, r&d
- Dist. No. 22 Arthur P. Klemm, Jr., r
- Dist. No. 23 William P. Boucher, r; Karen K. Hutchinson, r; Betsy McKinney, r; Roy E. Melnick, r; Sherman A. Packard, r; Rowland Schmidtchen, r
- Dist. No. 24 Linda Griebisch, d; Laura C. Pantelakos, d
- Dist. No. 25 Martha F. Clark, d; John E. Splaine, Sr., d
- Dist. No. 26 Juanita L. Bell, d; Anthony Syracuse, d
- Dist. No. 27 Cynthia A. McGovern, d; Charles L. Vaughn, d
- Dist. No. 28 Lawrence A. Chase, Jr., r; Carolyn E. Hynes, d; Cecelia D. Kane, d; Joseph A. MacDonald, d

### STRAFFORD COUNTY

- Dist. No. 1 William H. Nehring, r; Warren L. Swope, r
- Dist. No. 2 Henry P. Sullivan, d; William Tsiros, r
- Dist. No. 3 Elaine M. Hashem, d&r; George T. Musler, r
- Dist. No. 4 Patricia A. Hambrick, d; W. Kent Martling, r; Amanda A. Merrill, d; Leo J. Spencer, d; Janet G. Wall, d; Katherine W. Wheeler, d
- Dist. No. 5 Peter M. Jankowski, d&r
- Dist. No. 6 Arthur B. Corte, r; Paula J. Kinney, r; Robert E. Marston, r; Joe B. Parks, r; Ann M. Torr, r&d

- Dist. No. 7 Mary E. Bernard, d; Gary R. Gilmore, d; William K. Kincaid, d;  
William H. McCann, Jr., d
- Dist. No. 8 Edward J. Flynn, d&r; Roland A. Frechette, d&r; Donald P. Pageotte,  
d; Francis C. Vincent, d
- Dist. No. 9 Donald R. Messier, d
- Dist. No. 10 Drucilla Bickford, r; Patricia H. Foss, r; John O'Brien, d; Janet R.  
Pelley, d; John B. Young, r
- Dist. No. 11 James E. Appleby, r&d; Julie M. Brown, r&d; Clyde J. Douglass, r;  
Sandra B. Keans, r; Ralph W. Torr, r&d

#### SULLIVAN COUNTY

- Dist. No. 1 Peter H. Burling, d&r; Merle W. Schotanus, r&d
- Dist. No. 2 Gordon B. Flint, r; Fredrik Peyron, r; Beverly T. Rodeschin, r
- Dist. No. 3 Thomas A. Behrens, r&d
- Dist. No. 4 Carol M. Stamatakis, d
- Dist. No. 5 Irene C. Domini, r; Eric N. Lindblade, d
- Dist. No. 6 Richard H. Krueger, r; John A. Middleton, r
- Dist. No. 7 David C. Allison, d; Robert R. Walsh, d&r
- Dist. No. 8 Jane A. Harland, d&r; Michael A. Tetu, d
- Dist. No. 9 None

With 388 members having answered the call of the roll, a quorum was declared present.

Reps.-elect Burns of Whitefield and Chambers of Etna offered the following:

Resolved, that a committee of three be appointed to wait upon His Excellency the Governor, Judd Gregg, and the Executive Council, and inform them that a quorum of the House is assembled and requests their attendance.

Adopted

The Clerk appointed Reps.-elect Daniel Healy, Leclerc and Elizabeth Greene.

Governor Judd Gregg, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Earl A. Rinker, and the members-elect, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution.

The Governor and Executive Council retired.

The Clerk declared that nominations for Speaker were in order.

Rep. Michael Hill placed the name of Rep. Burns in nomination for Speaker.

Rep. Schotanus seconded the nomination.

There being no further nominations the Clerk declared nominations closed.

Rep. Chambers moved that one ballot be cast for the member from Whitefield, Rep. Burns, and spoke to her motion.

The Clerk instructed the Assistant Clerk to cast one ballot for Rep. Burns and declared Rep. Burns duly elected Speaker of the 1991-92 House of Representatives.

Reps. Chambers and Michael Hill escorted Rep. Burns to the rostrum.

**(Speaker Burns in the Chair)**

The Speaker addressed the House.

Thank you. Thank you very much.

I am honored beyond words at being elected Speaker of the New Hampshire House of Representatives.

Those of you who know me well realize how very deeply I admire and respect this body and its members, collectively and individually.

The fact that you have chosen me to be your leader is all the more important to me because of the high esteem in which I have held my colleagues in the House over the past 22 years.

Again, thank you.

Now, before we proceed, I would like to pay tribute to the most important people in my life, those who have made it possible, both figuratively and literally, for me to be standing here before you today. Their support throughout the Speaker's race and throughout my legislative career have meant more to me than I can express.

I would also like to express my gratitude to the other House Republicans who were candidates for this honorable post. The level of the campaign, in my opinion, was very high, despite the intensity of the race. This is especially remarkable in comparison with the tone of other campaigns in recent months.

And I want to thank those who worked with and for me in my own campaign. Their dedication and determination are deeply appreciated.

Many very valuable ideas and suggestions came out of the race from my own camp and all the others. As your Speaker, I will take these ideas and search for ways to work them into the process. I consider being open to your ideas and utilizing them whenever possible to be one of the most important aspects of my responsibility. My sworn duty is to be Speaker of the entire House, to represent and work with and for every one of you.

I would like to express my thanks to Minority Leader Mary Chambers for her motion for a unanimous vote. I take this as a very welcome sign that both the majority and the minority will be working together to overcome the challenges we will face during the next two years.

I also want to take this opportunity to extend my thanks and my appreciation for the friendship, guidance, and knowledge that our last Speaker, Doug Scamman, shared with me over the 22 years we have worked together.

If there is anyone who has more love and respect for this body than I, it would have to be Doug. He gave 110 percent to this House and he will be missed. But I know I speak for many when I express the hope that he will not be long absent from public service.

Now, as I said earlier, I am very proud to be the new Speaker of the New Hampshire House, the 129th Speaker since the beginning of the Colonial legislature. I am even more proud to be the first Speaker from Coos County in this century and the first Speaker ever from my hometown of Whitefield.

I think my North Country heritage and my 22 years in this body will serve me, and you, well in meeting the challenges that will come before us in the coming months.

My job as Speaker is to provide an atmosphere in which the spirit of the town meeting prevails. Everyone will have his or her say. The minority on any given issue will receive the same fair shake as the majority, but when all's said and done, it is the majority that will prevail, as it should in a democracy.

I promise you that I will be fair and efficient in running the affairs of this House.



What issues will we be facing in the upcoming session?

Well, if what I heard during my campaign for re-election in Whitefield and during my campaign for the Speakership is any indication, I'd say the biggest question in this state today is how we're going to balance the budget. People are also very concerned about how we're going to prevent more state programs that mandate spending at the local level.

In the Legislature itself the most talked-about issues were redistricting, House ethics, rules and scheduling, and the efficient and economical administration of House affairs outside of this chamber.

We will be agonizing over the state budget more than in recent memory.

I promised my constituents, and I promise you now, that I will personally work hard to prevent tax increases and I will not appoint anyone to the Appropriations Committee who will not consider spending cuts.

Those are my personal preferences.

But I will be driven in my administration of this body, not by my own personal interests, but by a majority consensus of the House.

One of my first acts as your Speaker will be to discuss with the leadership ways to address the issues of ethics and mandates.

We are aware that legislation on these issues has already been filed. We want to be ready, very early in the session, with proposals to bring before you concerning rules changes that may be necessary to achieve what this House wants.

Another early action I plan to take is forming a competent, fair-minded and energetic committee to begin work on the redistricting process. This committee's work will be critical to the success of one of the most basic elements of our democracy: establishment of district lines that will ensure that the doctrine of equal representation will prevail across New Hampshire.

I have already placed before you a series of proposed rules and administrative changes that were the result of the deliberations of a committee I established last spring to find ways to expedite the process of lawmaking without jeopardizing the quality of those laws.

I hope these suggestions will stimulate your thinking, so that we may bring forth for your consideration a series of changes that will make it easier for all of us, and that will emphasize quality rather quantity legislation.

A major part of this effort will deal with rules and scheduling. I stress that every proposed rule change will be brought to you for your deliberation and action. And I caution you that some of the changes you will be asked to consider may well require fundamental changes in the way business has been conducted in this body for many generations.

I think it is imperative that we limit our demands upon the time and energy of the General Court by exercising self-discipline over the quality and quantity of legislation you file for consideration.

As your Speaker, I pledge to continue the open-door policy of former Speaker Scamman. My door will be open and I will be there, ready to listen to your concerns.

I will also take an economical approach to the operations of House affairs in these fiscally-challenging times when we are asking others to make sacrifices.

Finally, I will do my utmost to uphold the position of this House in its deliberations with the Executive Branch and with the Senate, always keeping in mind, however, that the processes of consensus-building and compromise are just as necessary among the branches of government as they are within it.

I am very confident that together we will meet successfully the challenges ahead. I am so confident because, as I look out before me today, I see great talent and energy and potential for leadership.

My job is not only to preside and lead, it is to create those conditions under which each of you can flourish and reach your full potential as legislators.

I'm confident that if we can harness that talent, that energy, that commitment, there is no problem we cannot solve, no common goal we cannot achieve.

The time and opportunity to really make a difference pass quickly here, and our time is now. Let us go forward together, committed to doing our very best so that we can, together, along with the good people we serve, take pride in our accomplishments. Thank you.

The Speaker made the following appointments:

Deputy Speaker - Rep. Michael Hill

Majority Leader - Rep. Caroline Gross

Majority Whip - Rep. Ann Torr

Minority Leader - Rep. Mary Chambers

Deputy Minority Leader - Rep. Susan Spear

Minority Whip - Rep. Joanne O'Rourke

The Sergeant-at-Arms escorted the appointed leadership to the rostrum.

The Speaker appointed the House Rules Committee: REPUBLICANS: Rep. Burns, Chairman; Michael Hill, Vice Chairman; Rep. Gross, Rep. Ann Torr, Rep. Channing Brown, Rep. Elizabeth Greene, Rep. Robert Foster, Rep. Donna Sytek and Rep. William McCain. DEMOCRATS: Rep. Chambers, Rep. Spear, Rep. O'Rourke and Rep. David Cote.

The Speaker declared nominations were in order for Clerk, Assistant Clerk and Sergeant-at-Arms.

Rep. Hager placed in nomination the names of James A. Chandler of Franklin for Clerk, Leo J. Callahan of Pembroke for Assistant Clerk and Warren W. Leary of Alton for Sergeant-at-Arms.

Rep. Skinner of Windham seconded the nomination of James A. Chandler for Clerk.

Rep. Rodeschin of Newport seconded the nomination of Leo J. Callahan for Assistant Clerk.

Rep. Robert Kelley of Merrimack seconded the nomination of Warren W. Leary for Sergeant-at-Arms.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for the nominees.

The Chair declared Mr. Chandler elected Clerk; Mr. Callahan elected Assistant Clerk and Mr. Leary elected Sergeant-at-Arms.

Reps. Gross and Chambers offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet with the Senate in Joint Convention for the purpose of electing a State Treasurer and a Secretary of State.

Adopted.

RECESS

### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

### INTRODUCTION OF GUESTS

Eleanor Burns, Stella and W. Douglas Scamman, Jr.; John and Carol Burns; Corbe, Scott and Katie Burns, Lillian A. Burns; Stephanie, Jessica and Jean Kimball; Esther Currier, Peter and Debbie Kimball, Leo and Doris Demers; Kathy Hauck, Stanford Johnson, Herve Samson, Ann Lalonde, Paul LaDuke; Joan deVillafane, Eugene Savage, Bert Byron, Doug McCaig, Jan Edmonds; Robert and Elsie Day, and Board Members of the Lancaster Fair, family, friends and guests of Rep. Burns. Louise Nielsen and Jeannette Keaney, wife and guests of Rep. Nielsen. Frances Barnes, wife of Rep. Barnes. Selectman Gerald Gillespie, guest of Rep. Melnick Mr. and Mrs. Robert Jasper, and Mr. and Mrs. Austin McCrea, parents and guests of Rep. Jasper. Martha and Benjamin Teschner, wife and oldest son of Rep. Teschner. Kathi Rogers and Mike Eastman guests of Rep. Buckley. Loreen Daniels and Renee Saucier, guests of Rep. Daniels. Joy, Sarah and James Wheeler, the wife, daughter and son of Rep. David Wheeler. Mr. and Mrs. Arthur Klemm, parents of Rep. Klemm. Jennifer Oliver, daughter of Rep. Oliver. Fran L'Heureux, wife of Rep. L'Heureux. Terry Rosencrantz, wife of Rep. Rosencrantz. Priscilla Palazzo, wife of Rep. Palazzo. Silas Bell, husband of Juanita Bell. Former State Rep. Yvonne Coulombe and Jessica Coulombe, granddaughter, guests of Rep. Coulombe. Mary McNerney, wife of Rep. McNerney. Harriet and Emilio Macy, guests of Rep. Harland. Jack Dowd, Mayor of Derry and husband of Rep. Dowd. Sally and George Powell guests of Rep. Bell. Calvin Keith, father of Rep. Keith. Herb and Evelyn Greenglass, Paula, and Donna Lapatin, parents, wife and sister, guests of Rep. Greenglass. Mrs. Geneva Tetu and Mrs. Brown, guests of Rep. Tetu. Chuck, Fred, James, Dorothy, and Evelyn Cote, sons, daughter and daughter-in-law of Rep. Cote. Martin Gross, husband and guest of Rep. Gross. Stephen and Beatrice Burke, parents of Rep. Stephen Burke. John, Kristen, Brian and Brad, husband and children of Rep. Hambrick. Mary Gregorio and Josephine Perullo, mother and aunt of Rep. Gregorio. Bill Arnold, guest of Rep. Arnold. Sandy Payone, guest of Rep. Welch. Dr. and Mrs. Sumner R. Ziegra, guests of Rep. Ziegra. Patricia and John C. Coffey, Chris and Julie Christo and Nancy Doane, wife, son and guests of Rep. Coffey. Finn Connell, husband of Rep. Griebisch. Linda Thayer, guest of Rep. Thayer. MaryAnn Foster, Robert and Marion Irving, wife, grandson and daughter of Rep. Robert Foster. Mr. and Mrs. Benjamin DePecol and Kelley DePecol, parents and wife of Rep. DePecol

### JOINT CONVENTION

#### (Speaker presiding)

The Chair declared nominations were in order for Secretary of State.

Rep. Daniel Healy placed the name of William M. Gardner in nomination for Secretary of State.

Sen. Hough seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mr. Gardner.

The Chair declared William M. Gardner duly elected Secretary of State.

The Chair declared nominations in order for State Treasurer.

Sen. Fraser placed the name of Georgie A. Thomas in nomination for State Treasurer.

Rep. Packard seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mrs. Thomas.

The Chair declared Georgie A. Thomas duly elected State Treasurer.

Rep. Healy, Sen. Hough, Rep. Packard and Sen. Fraser escorted Mrs. Thomas and Mr. Gardner to the rostrum.

The Chair administered the oath of office to Mr. Gardner, Mrs. Thomas, Mr. Chandler, Mr. Callahan and Mr. Leary.

Mrs. Thomas and Mr. Gardner addressed the House briefly.

Sen. Blaisdell and Rep. Gross moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

Reps. Gross and Chambers offered the following:

#### **HOUSE RESOLUTION NO. 1**

RESOLVED, that the House adopt the rules of the 1989 session as printed in the 1989 Black Book, with the provision that the deadline for the filing of information for bills will be December 21, 1990, and that any House rule may be amended by majority vote through the first Tuesday of February (February 5th).

Reps. Gross, Sytek, William F. McCain and Chambers spoke in favor of the motion.

Adopted.

Reps. Ann Torr and Copenhaver offered the following:

#### **HOUSE RESOLUTION NO. 2**

RESOLVED, that the Speaker appoint a committee of three to assign seats to members.

Adopted.

The Chair appointed Reps. Ann Torr, Chairman; Kinney and O'Rourke.

Reps. Warburton and Nardi offered the following:

#### **HOUSE RESOLUTION NO. 3**

RESOLVED, that a committee of 10 members be appointed by the Speaker to select a suitable person to act as Chaplain during the 1991 session of the legislature and report such selection to the House for consideration.

Adopted.

The Chair appointed Reps. Stio, Chairman; Golden, Allard, Katherine Foster, Pignatelli, Adams, David Wheeler, Bell, Bernard and Domini.

Reps. Lozeau and Theriault offered the following:

#### **HOUSE RESOLUTION NO. 4**

RESOLVED, that action taken at all sessions of the House of Representatives be recorded through the public address system on tapes, and that said tapes be used, by the House and the Clerk, within three legislative days to confirm and correct the permanent Journal. The permanent Journal as thus prepared by the Clerk as corrected by the House shall be the official record of the House, and be it further



RESOLVED, that the Committee on the Journal be authorized to examine the permanent Journal of the last day of the session, as prepared by the Clerk, and make corrections to the same.

Adopted.

Reps. Hager and MacDonald offered the following:

#### **HOUSE RESOLUTION NO. 5**

RESOLVED, that the Clerk, with the approval of the Speaker, may employ such stenographic and other clerical assistance as he may deem necessary (RSA 17-E:5).

Adopted.

Reps. Skinner and Flynn offered the following:

#### **HOUSE RESOLUTION NO. 6**

RESOLVED, that the Sergeant-at-Arms, with the approval of the Speaker, may employ such personnel as he may deem necessary; that the Speaker be authorized to employ such other personnel as he deems necessary, and with the approval of the House Subcommittee of the Committee on Legislative Facilities, fix their compensation (RSA 17-E:5)

Adopted.

Reps. David Young and Kincaid offered the following:

#### **HOUSE RESOLUTION NO. 7**

RESOLVED, that the following policy be established for the distribution of House Journals, bills and joint resolutions to legislative agents, corporations and other persons, except the members of the General Court and state departments:

1. Every citizen is entitled to one copy of any publication free of charge at the legislative counter or to have the same mailed to him free of charge upon individual request for such one copy.

2. Persons requesting copies of all publications delivered complete for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated where service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the Speaker and shall be collected by the Sergeant-at-Arms and paid into the state treasury and credited to the legislative appropriation.

Adopted.

Reps. Simon and Gabrielle Gagnon offered the following:

#### **HOUSE RESOLUTION NO. 8**

RESOLVED, that the Speaker, after consultation with the Minority Leader, may cancel a scheduled meeting of the House in the event of a severe snowstorm which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation, the House shall meet on the following legislative day. Any member who travels to Concord, or who is already in Concord on legislative business on any day that a meeting of the House is cancelled under the authority of this resolution, shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.

Reps. Ward and Donovan offered the following:

### HOUSE RESOLUTION NO. 9

RESOLVED, that members will be paid their legislative salary, as provided in the Constitution, in the month of January 1991, and be it further

RESOLVED, that mileage of members of the House of Representatives be paid every two weeks during the session.

Adopted.

### HOUSE RESOLUTION NO. 10 PETITION

November 27, 1990

TO: Mr. James A. Chandler, House Clerk

Reference: RSA 660:19 PETITION - Objecting to the seating of Mr. Lowell D. Apple, representative-elect of Hooksett, NH

In compliance with the referenced RSA, this petition is being presented to you for the necessary action in the contest of Mr. Lowell D. Apple's election to office as a representative.

As evidence of my compliance with RSA 660:18 you will find attached a copy of the required letter which was sent to Mr. Apple and filed with both the Secretary of State and the Attorney General's office as required by RSA 666:8.

My objection is simply that a violator of the law should not be rewarded by official participation in the making of the law. It is important to notice that it is election laws that were violated. The violator must be disqualified from holding office in order that the integrity of the law be paramount.

I am not charging that a conspiracy of the three men existed although the elements of this matter might suggest that such was the case. I am charging that the Opinion of the Justices of the NH Supreme Court was violated in that 126 NH 554, states "Principles of equal protection are intended to ensure that persons similarly situated are similarly treated by government."

As a candidate for office in the general election, I charge that I have not been similarly treated by government, yet, I was similarly situated as a candidate.

Accordingly, I attach my entire file of six written pleas for equal treatment, dating back to October 1, 1990. I have not had the courtesy of a written reply from any public official or office to whom I have written, hence with patience and perseverance I submit this petition with six documents attached and ask that Mr. Lowell D. Apple be disqualified for a seat in the NH House of Representatives.

Sincerely Yours, Richard Marple  
21 Dartmouth St., Hooksett, N. H. 03106

The Speaker referred the Petition to the Subcommittee on Elections.

Rep. Caroline Gross moved that the House stand in recess for the purpose of introduction of bills only, and when the House adjourns, it be to meet Wednesday, January 2nd at 1:00 p.m.

Adopted.

The House recessed at 3:10 p.m.

RECESS



**(Rep. Michael Hill in the Chair)****SENATE MESSAGE**

The Senate has met and organized and elected the following officers: President, Sen. Edward Dupont; Clerk, Gloria Randlett; Assistant Clerk, Lois Schmelzer; Sergeant-at-Arms, Richard Wiggins; Doorkeeper, Emile Martineau.

**HOUSE LEADERSHIP**

Speaker - Harold W. Burns

Deputy Speaker - Michael J. Hill

Majority Leader - Caroline L. Gross

Majority Whip - Ann M. Torr

Assistant Majority Leaders - Beaton Marsh, Peter M. Simon, David A. Young

Assistant Majority Whips - Alice B. Record, Garret P. Cowenhoven

Minority Leader - Mary P. Chambers

Deputy Minority Leader - Susan S. Spear

Minority Whip - Joanne A. O'Rourke

Assistant Minority Leaders - Joseph A. MacDonald, William H. McCann, Debora B. Pignatelli, Rick A. Trombly, Peter Hoe Burling, Amanda A. Merrill, Jennifer G. Soldati

Assistant Minority Whip - David E. Cote

**HOUSE RESOLUTION NO. 11****PETITION**

The State of New Hampshire House of Representatives

In re Cynthia McGovern, Rockingham, 27

Petition pursuant to New Hampshire Constitution

Part 2, Article 22 and RSA 660:19

NOW COMES the Portsmouth Republican City Committee, Charles Felix, Chairman, Evelyn E. Marconi of 177 Mechanic Street, Portsmouth, New Hampshire and Raimond Bowles of 43 Pray Street, Portsmouth, New Hampshire and complain against Cynthia A. McGovern of 37 Towle Farm Road, Hampton, New Hampshire and say:

1. That Cynthia A. McGovern was a candidate for the House of Representatives from Rockingham 27, Ward 5 Portsmouth, New Hampshire in the election held November 6, 1990;

2. That Cynthia A. McGovern was declared the winner of the second seat in the District of Rockingham 27, having received the second highest number of votes cast;

3. That Raimond Bowles and Evelyn E. Marconi were candidates at the November 6, 1990 election and came in third and fourth respectively;

4. That the vote totals for said election were: Charles Vaughn 875, Cynthia McGovern 650, Raimond Bowles 630, and Evelyn E. Marconi 586;

5. That at the time of said election, Cynthia A. McGovern was not an inhabitant of the district from which she was elected contrary to New Hampshire Constitution Part 2, Article 14;

6. That Cynthia A. McGovern is not domiciled in the district of Rockingham 27 and did not qualify to be a legal voter at the time the election began, June 1990, or at the time the ballots were cast in November, 1990 contrary to RSA 654:1;

7. That Cynthia A. McGovern does not reside at her listed address of 41 Salter Street, Portsmouth, New Hampshire, and has not so resided for a significant portion of each year (RSA 654:1);

8. That upon information and belief Cynthia A. McGovern resides at 37 Towle Farm Road, also known as 21 Hampton Estates, Hampton, New Hampshire;

WHEREFORE, the petitioners pray the House of Representatives pursuant to its power granted in the New Hampshire Constitution Part 2, Article 22 as judge of the returns, elections and qualifications of its members to:

A. Declare that Cynthia A McGovern did not at the time of the election and does not now meet the qualifications set forth in the New Hampshire Constitution Part 2, Article 14 and RSA 654:1;

B. Declare that Cynthia A. McGovern was not duly elected a member from Rockingham 27;

C. Declare that Raimond Bowles having received the second highest number of votes cast for qualified candidates from Rockingham 27, is duly elected to the second seat from said district;

D. In the alternative, declare a vacancy in the second seat from Rockingham 27 and order a new election to fill same;

E. And for such other and further relief as may be just.

Respectfully submitted, Portsmouth Republican City Committee, Evelyn E. Marconi and Raimond Bowles, by their Attorney, Richard A. Hampe, Hampe & McNichols, 35 Pleasant St., Concord, New Hampshire 03301

The Speaker referred the Petition to the Subcommittee on Elections.

The Speaker appointed Committees as follows:

#### STANDING COMMITTEES OF THE HOUSE APPROPRIATIONS

##### REPUBLICANS

Hager, Elizabeth S., Ch.  
Brown, Channing T. V. Ch.  
LaMott, Paul I.  
Boucher, Laurent J.  
Steiner, Lee Anne S.  
Holbrook, Robert G.  
Johnson, Robert A.  
Schotanus, Merle W.  
Hall, Douglas E.  
Cole, Stacey W.  
Bean, Pamela B.  
Kurk, Neal M.  
Merrill, Gerald P.  
Parks, Joe B.  
Ferguson, Charles W.  
Chandler, John P.

##### DEMOCRATS

Nardi, Theodora P.  
Pelley, Janet R.  
Pignatelli, Debora B.  
Murphy, Robert E.  
Vaughn, Charles L.  
Wallner, Mary Jane  
Buckley, Raymond

#### CHILDREN, YOUTH AND JUVENILE JUSTICE

##### REPUBLICANS

McCain, William F., Ch.  
Robinson, Ellen-Ann, V. Ch.  
Lovejoy, Virginia K.  
Bowers, Dorothy C.  
Cooke, Annette M.  
Brown, Julie M.

##### DEMOCRATS

Mayhew, Josephine  
Bell, Juanita L.  
Nordgren, Sharon L.  
Johnson, Lionel W.  
Pratt, Irene A.  
Haettenschwiller, Alphonse

|                     |                       |
|---------------------|-----------------------|
| MacKinnon, Nancy W. | McIlwaine, Deborah P. |
| Rheault, Lillian I. |                       |
| Accornero, Harry    |                       |
| Connell, David R.   |                       |
| Cook, Valerie S.    |                       |
| Gagnon, Eugene L.   |                       |
| Woods, Deborah L.   |                       |

#### COMMERCE, SMALL BUSINESS AND CONSUMER AFFAIRS

##### REPUBLICANS

Foss, Patricia H., Ch.  
 Christy, C. Dana, V. Ch.  
 Packard, Bonnie B.  
 Rodgers, G. Philip  
 Drolet, Paul L.  
 Krueger, Richard H.  
 Hunt, John B.  
 Hill, Richard L.  
 Fair, Patricia A.  
 Tsiros, William  
 Gage, Beverly A.  
 Guay, Lawrence J.  
 Hogan, James B.  
 Mercer, Robert S.

##### DEMOCRATS

Arnesen, Deborah L.  
 Dionne, Paul R.  
 Braiterman, Thea G.  
 Baker, George H., Sr.  
 Lindblade, Eric N.  
 Keane, Cornelius J.  
 Syracuse, Anthony

#### CONSTITUTIONAL AND STATUTORY REVISION

##### REPUBLICANS

Flanagan, Natalie S., Ch.  
 Holden, Carol H., V. Ch.  
 Campbell, Eunice M.  
 Warburton, Calvin  
 Dube, LeRoy S.  
 Lawrence, Norman B.  
 Shackett, Ralph E.  
 White, Paul R.  
 Cowenhoven, Garret P.  
 Simon, Peter M.  
 Healy, Walter F.  
 Hurst, Sharleene P.  
 Rothhaus, Finlay C.  
 Vacancy

##### DEMOCRATS

Gilmore, Gary R.  
 Leclerc, Charles J.  
 Cote, David E.  
 Spear, Susan S.  
 Hashem, Elaine M.  
 Kingsbury, H. Thayer

#### EDUCATION

##### REPUBLICANS

Skinner, Patricia M., Ch.  
 Larson, Nils H., Jr., V. Ch.  
 Mason, Howard F.  
 Domaingue, Jacquelyn M.  
 Gilbreth, Robert M.  
 Hoelzel, Kathleen M.  
 Laurent, John J.

##### DEMOCRATS

Guest, Robert H.  
 Spencer, Leo J.  
 Caswell, Albert W.  
 Riley, William A.  
 Yeaton, Charles B.  
 Champagne, Richard L.  
 White, John M.

Carter, Susan D.  
 Teague, Bert  
 Searles, Stanley N., Sr.  
 Brown, Patricia B.  
 Corte, Arthur B.  
 Durham, Susan B.  
 Tate, Joan C.

## ENVIRONMENT AND AGRICULTURE

## REPUBLICANS

Greene, Elizabeth A., Ch.  
 Musler, George T., V. Ch.  
 Scanlan, David M.  
 Campbell, Marilyn R.  
 Flanders, Harry E.  
 Millard, Elizabeth S.  
 Sawyer, Alfred P.  
 Tarpley, Nancy L.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 Bradley, Jeb E.  
 Chulack, Peter G., Sr.  
 Pratt, Leighton C.

## DEMOCRATS

Hall, Betty B.  
 Trombly, Rick A.  
 Daigle, Robert A.  
 Hanselman, Gregory L. (Ind.)  
 Burnham, Daniel M.  
 Griebisch, Linda  
 Terninko, Margaret B.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

## REPUBLICANS

Kidder, William F., Ch.  
 Ward, Kathleen W., V. Ch.  
 Fillion, Paul R.  
 Dyer, Merton S.  
 Goulet, Maurice E.  
 Boucher, William P.  
 Emerton, Lawrence A.  
 Dowd, Sandra K.  
 Flanders, David A.  
 Shibley, Arnold P.  
 Wheeler, Robert L.  
 VACANCY

## DEMOCRATS

Dunn, Miriam D.  
 McGovern, Cynthia A.  
 O'Brien, John  
 Gosselin, Gerald O.  
 King, Frank P.  
 Larochelle, Roger B.  
 Letourneau, George E.

## FISH AND GAME

## REPUBLICANS

Perham, Lester R., Ch.  
 Drake, Herbert R., V. Ch.  
 Smith, Gerald R.  
 Felch, Charles H., Sr.  
 Ford, Bert H.  
 Kinney, Paula J.  
 Lachut, Ervin R.  
 Raynowska, Bernard J.  
 Wiggin, Allen R.  
 Douglass, Clyde J.

## DEMOCRATS

Theriault, Romeo J.  
 Lefebvre, Roland J.  
 Joscelyn, William W.  
 Coulombe, Henry W.  
 Schanda, Joseph, Sr.  
 Tetu, Michael A.

Feuer, Joseph N.  
 L'Heureux, Robert J.  
 Lougee, Richard W.  
 Kennison, Wayne A., (Ind.)

#### HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

##### REPUBLICANS

Foster, Robert W., Ch.  
 Holmes, Mary C., V. Ch.  
 Appleby, James E.  
 Chase, Lawrence A., Jr.  
 Asplund, Bronwyn L.  
 Amidon, Eleanor H.  
 Senter, Marilyn P.  
 Ziegra, Alice S.  
 Domini, Irene C.  
 Cain, Thomas G.  
 DiPietro, Carmela M.  
 Hutchinson, Karen K.  
 Wiggin, Gordon E.

##### DEMOCRATS

Copenhaver, Marion L.  
 Foster, Katherine D.  
 MacDonald, Joseph A.  
 Wheeler, Katherine W.  
 Kane, Cecelia D.  
 Lynch, Margaret A.  
 Jordan, Mary H.

#### JUDICIARY

##### REPUBLICANS

Martling, W. Kent, Ch.  
 Lown, Elizabeth D., V. Ch.  
 Jacobson, Alf E.  
 Johnson, C. William  
 Lozeau, Donnalee M.  
 Moore, Elizabeth A.  
 Ford, Nancy M.  
 Lockwood, Robert A.  
 Bickford, Drucilla  
 Hultgren, David D.  
 Record, Alice B.  
 Campbell, Richard H., Jr.  
 Nielsen, Niels F., Jr.

##### DEMOCRATS

Dwyer, Patricia R.  
 Healy, Daniel J.  
 Burling, Peter Hoc  
 Baldizar, Barbara J.  
 Cote, David E.  
 Wall, Janet G.  
 DePecol, Benjamin J.

#### LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

##### REPUBLICANS

Hawkins, Robert S., Ch.  
 Flanders, John W., Sr., V. Ch.  
 Turner, Robert H., Clerk  
 Vanderlosk, Stanley R.  
 Barberia, Richard A.  
 Dow, David O.  
 Elliott, Larry G.  
 Wright, George W.  
 Daniels, Gary L.

##### DEMOCRATS

Splaine, John E.  
 Drabinowicz, A. Theresa  
 Baroody, Benjamin C.  
 Burke, Stephen J.  
 Hawkinson, Marie C.  
 Laughlin, J. Francis  
 Messier, Donald R.

Johnson, Carl R.  
 Melnick, Roy E.  
 Smith, Arthur W.  
 Vacancy

## LEGISLATIVE ADMINISTRATION

## REPUBLICANS

Horton, Lynn C., Ch.  
 Lockwood, Robert A., V. Ch.  
 Torr, Ann M.  
 Benton, Richardson D.  
 Brungot, Catherine V.  
 Fillion, Paul R.  
 Chase, Lawrence A., Jr.  
 Gross, Caroline L.  
 Marsh, Beaton  
 Moore, Elizabeth A.  
 Record, Alice B.  
 Young, David A.  
 Ziegra, Alice S.  
 Vacancy

## DEMOCRATS

Spear, Susan S.  
 Theriault, Romeo J.  
 Dunn, Miriam D.  
 Cote, David E.  
 Soldati, Jennifer G.  
 Trombly, Rick A.

LEGISLATIVE ADMINISTRATION SUBCOMMITTEES  
ELECTIONS

## REPUBLICANS

Gross, Caroline L., Ch.  
 Horton, Lynn C.  
 Torr, Ann M.

## DEMOCRATS

Spear, Susan S.

## ENROLLED BILLS

Marsh, Beaton, Ch.  
 Young, David A.  
 Moore, Elizabeth A.

Dunn, Miriam D.

## JOURNAL

Benton, Richardson, D., Ch.      Trombly, Rick A.  
 Brungot, Catherine V.

## MILEAGE AND ELECTRONIC ROLL CALL

Fillion, Paul R., Ch.  
 Chase, Lawrence A., Jr.  
 Record, Alice B.

Theriault, Romeo J.

## RESOLUTIONS AND SCREENING

Torr, Ann M., Ch.  
 Lockwood, Robert A.  
 Ziegra, Alice S.

Cote, David E.  
 Soldati, Jennifer G.

## MUNICIPAL AND COUNTY GOVERNMENT

## REPUBLICANS

Grodin, Richard A., Ch.  
 Perry, David M., V. Ch.  
 Golden, Paul A.

## DEMOCRATS

Salatiello, Thomas B.  
 Daneault, Gabriel J.  
 Gage, Ruth E.



Morse, JoAnn T.  
 Brungot, Catherine V.  
 Wadsworth, Karen O.  
 Metzger, Katherine H.  
 Middleton, John A.  
 Lawrence, Eva M.  
 Cote, Patricia L.  
 Peyron, Fredrik  
 Weyler, Kenneth L.  
 Barnes, John S., Jr.  
 Trelfa, Richard T.

Clark, Eugene W.  
 Clark, Martha Fuller  
 Soucy, Donna M.

#### PUBLIC PROTECTION AND VETERANS AFFAIRS

##### REPUBLICANS

Benton, Richardson D., Ch.  
 Welch, David A., V. Ch.  
 Fields, Dennis H.  
 Anderson, Eleanor M.  
 Brown, Jeffrey M.  
 Daly, Robert J., Jr.  
 Pepino, Leo P.  
 Riley, Frances L.  
 Christie, Thomas J.  
 Dewhirst, Glenn E.  
 Fenton, James J.  
 Rubin, George R.  
 Thayer, Leroy C.  
 Vacancy

##### DEMOCRATS

Vincent, Francis C.  
 Kuchinski, Steve  
 Paquette, Rodolphe G.  
 Chasse, Richard D.  
 Walsh, Robert R.  
 Vacancy

#### PUBLIC WORKS

##### REPUBLICANS

Chandler, Gene G., Ch.  
 Marsh, Beaton, V. Ch.  
 Stio, Peter M.  
 Driscoll, William J.  
 Swope, Warren L.  
 Schmidtchen, Rowland H.  
 Alukonis, David J.  
 Seward, Russell G.  
 McNerney, Daniel P.  
 Wheeler, David K.  
 Allard, Nanci A.  
 Dodge, A. Gibb, Jr.  
 Keans, Sandra B.  
 Weeks, John F., Jr.

##### DEMOCRATS

Kincaid, William K.  
 Kilbride, Dennis J.  
 Frechette, Roland A.  
 O'Rourke, Joanne A.  
 Sullivan, Henry P.  
 Oliver, Terry D.

#### REGULATED REVENUES

##### REPUBLICANS

Kelley, Robert N., Ch.  
 Behrens, Thomas A., V. Ch.  
 Horton, Lynn C.

##### DEMOCRATS

Flynn, Edward J.  
 Rosencrantz, James R.  
 Hynes, Carolyn E.

McKinney, Betsy  
 Bucu, Stephen W.  
 Desrosiers, William J.  
 Klemm, Arthur P., Jr.  
 Palazzo, Frank, J.  
 Magoon, Harold F.  
 Schneiderat, Catherine A.  
 Wihby, Linda S.  
 Whitcomb, Henry F., Jr.  
 Kelley, Dana F.  
 Stapleton, Henry F.

Gagnon, Gabrielle V.  
 Bernard, Mary E.  
 Pantelakos, Laura C.  
 Reidy, Frank J.

#### RESOURCES, RECREATION AND DEVELOPMENT

##### REPUBLICANS

Dickinson, Howard C., Ch.  
 Lewis, Mary Ann, V. Ch.  
 Conroy, Janet M.  
 Whittemore, James A.  
 Smith, Leonard A.  
 Young, John B.  
 Buckley, C. Fitzgerald  
 Marston, Robert E.  
 Roulston, Donald L.  
 Andrews, Frederick B.  
 Upton, Barbara A.  
 Nehring, William H.  
 Beach, Mildred A.  
 Feuerstein, Martin

##### DEMOCRATS

Maviglio, Steven R.  
 Cole, Kenneth A.  
 Stamatakis, Carol M.  
 Pageotte, Donald P.  
 Janas, Gregory  
 Jankowski, Peter M.  
 Martin, Mary Ellen

#### RULES

##### REPUBLICANS

Burns, Harold W., Ch.  
 Hill, Michael, J., V. Ch.  
 Gross, Caroline L.  
 Torr, Ann M.  
 Brown, Channing T.  
 Greene, Elizabeth A.  
 Foster, Robert W.  
 Sytek, Donna P.  
 McCain, William F.

##### DEMOCRATS

Chambers, Mary P.  
 Spear, Susan S.  
 O'Rourke, Joanne A.  
 Cote, David E.

#### SCIENCE, TECHNOLOGY AND ENERGY

##### REPUBLICANS

Rodeschin, Beverly T., Ch.  
 Vogler, Charles C., V. Ch.  
 Rice, Thomas E.P., Jr.  
 Rosen, Ralph J.  
 McRae, Karen K.  
 Falwell, Robert V.

##### DEMOCRATS

Merrill, Amanda A.  
 Harland, Jane A.  
 Gilmore, Gary R.  
 Ackerman, Philip M.  
 Allison, David C.

Ferlan, Arthur P.  
 Greenglass, Alan B.  
 Jean, Robert R.  
 Peters, Stanley W.

#### STATE-FEDERAL RELATIONS

##### REPUBLICANS

Cowenhoven, Garret P., Ch.  
 Guay, Lawrence J., V. Ch.  
 Fields, Dennis H.  
 Gage, Beverly A.  
 Katsakiores, George N.  
 Parr, Ednapearl F.  
 Amidon, Eleanor H.  
 Apple, Lowell D.  
 Hill, Michael J.  
 Holden, Carol H.  
 Hunt, John B.  
 Lozeau, Donnalee M.  
 Simon, Peter M.

##### DEMOCRATS

Chambers, Mary P.  
 Spear, Susan S.  
 McCann, William H., Jr.  
 Burling, Peter Hoc  
 Merrill, Amanda A.  
 O'Rourke, Joanne A.

#### STATE INSTITUTIONS AND HOUSING

##### REPUBLICANS

Tufts, Arthur, Ch.  
 McCarthy, John J., Jr., V. Ch.  
 Parr, Ednapearl F.  
 Green, Scott E.  
 Apple, Lowell D.  
 Malcolm, Kenneth W.  
 Ouellette, Robert O.  
 Torr, Ralph W.  
 Calawa, Leon, Jr.  
 Coffey, John J.  
 Dowling, Patricia A.  
 Gregorio, William  
 Hickey, Janet E.  
 Zaharchuk, Peter J., Jr.

##### DEMOCRATS

Doucette, Richard F.  
 Jean, Romeo W.  
 Jelley, Francis D.  
 Clemons, Jane A.  
 Hambrick, Patricia A.  
 Molner, Mary E.

#### TRANSPORTATION

##### REPUBLICANS

Haynes, Richard L., Ch.  
 Stewart, Roger D., V. Ch.  
 Katsakiores, George N.  
 Hoar, John, Jr.  
 Malcolm, Kenneth W.  
 Klemarczyk, Thaddeus E.  
 Dodge, Emma M.  
 Markley, J. Keith  
 Adams, Carl S.  
 Bartlett, Gordon E.

##### DEMOCRATS

Donovan, Francis X.  
 Nelson, Harold D.  
 Desrochers, Gerard T.  
 Turgeon, Roland M.  
 McDowell, James E.  
 Crotty, Edward J.

Christie, Andrew, Jr.  
Keith, Brenda E.  
Packard, Sherman A.  
Vacancy

## WAYS AND MEANS

## REPUBLICANS

Sytek, Donna P., Ch.  
Ahrens, Frederick, G., V. Ch.  
Sallada, Roland A.  
Saunders, Howard N.  
Hayes, Robert C.  
Stiles, Walter A.  
Nichols, Avis B.  
Crutchley, Donald O.  
Flint, Gordon B.  
Jasper, Shawn N.  
Pearson, Gertrude B.  
Teschner, Douglass P.  
Arnold, Barbara E.  
Chandler, Earle W.

## DEMOCRATS

McCann, William H., Jr.  
Bourque, Ann J.  
LaMar, David M.  
Gureckis, Adam C., Sr.  
Soldati, Jennifer G.  
Johnson, Joyce M.

Rep. Gross moved that the House adjourn.  
Adopted.

**HOUSE JOURNAL No. 2**

Wednesday, January 2, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

The member from Bow, Mr. Stio, reported for the Committee established to select a Chaplain for the 1991 Session that the Rev. Edward G. Horstmann of the First Congregational Church in Hopkinton will serve as Chaplain for the January 2nd and 3rd Sessions.

Prayer was offered by the Rev. Edward G. Horstmann, Pastor, First Congregational Church of Hopkinton.

Compassionate God, we come to You in search of Your blessing upon our beginnings, asking not only for Your presence in our midst but for the light of Your wisdom and the guidance of Your truth. Grant us the long view of our work, and remove from us all cynicism that Your will may flow freely through our lives.

Hear our prayers, good Lord, for those in danger or trouble of any kind, and pour out Your spirit of new life into hearts and souls made weary by many burdens. And enable us to be for each other encouragement and inspiration; that our labors may meet real needs and bring real peace. Amen.

Rep. Zaharchuk led the Pledge of Allegiance.

**(Rep. Michael Hill in the Chair)**

**LEAVES OF ABSENCE**

Reps. Vogler, Molner, MacDonald and Perry, the day, illness.

Reps. Daniel Healy, Scanlan, Spencer, Mayhew, Bucu and Adams the day, important business.

**INTRODUCTION OF GUESTS**

On the Rostrum, Rep. Janice Peaslee of Vermont. Ann Lalonde, Paul LaDuc, Sandra and Peter McKay, guests and daughter and son-in-law of Rep. Burns. John McIlwaine, Sharon McIlwaine, Randy Monge and Sabra Packard, husband, daughter, friend and mother of Rep. McIlwaine. Cathy Tsiros, Dina Papatheologos and George Karogee, wife and guests of Rep. Tsiros. Chief O.B. Umezureekay of Nigeria and Bonnie Riley, guests of Rep. William Riley. John Tzinas, guest of Rep. Raymond Buckley. Leona Felch, guest of Rep. Felch. Paul Cooke, husband of Rep. Annette Cooke. Robert Nielsen, son of Rep. Niels Nielsen. Linda Thayer and Edward Frederick, guests of Rep. Thayer.

**COMMUNICATIONS**

James A. Chandler, House Clerk

This is to advise that the following representatives-elect were sworn into office by the Governor and Executive Council:

December 7, 1990

Hillsborough District No. 33, Lee Anne S. Steiner, r, Manchester (527 North River Road) 03104

December 19, 1990

Grafton District No. 2, Richard T. Trelfa, r, Lisbon (PO Box 245) 03585

Grafton District No. 11, Patricia Berry Brown, r&d, Canaan (PO Box 368, Enfield) 03748

Hillsborough District No. 9, Nancy L. Tarpley, r, Amherst (PO Box 693) 03031  
 Hillsborough District No. 31, Debora B. Pignatelli, d, Nashua (24 Decatur Drive)  
 03063

Hillsborough District No. 33, Linda S. Wihby, r, Manchester (2929 North Elm  
 Street) 03104

Merrimack District No. 4, Elizabeth S. Millard, r, Boscawen (137 Water Street)  
 03303

Merrimack District No. 10, Martin Feuerstein, r&d, Franklin (801 Central Street)  
 03235

December 27, 1990

Coos District No. 7, Lawrence J. Guay, r, Gorham (404 Main Street) 03581

sincerely, Karen H. Ladd,

Assistant Secretary of State

Reps. Gross and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representa-  
 tives is ready to meet the Senate in Joint Convention for the purpose of canvassing the  
 votes for Governor and Executive Council.

Adopted.

### JOINT CONVENTION

(Speaker presiding)

Sen. Delahunty and Rep. Gross offered the following:

RESOLVED, that the Honorable Secretary of State be requested to lay before the  
 convention the return of votes for Governor and Executive Council.

Adopted.

William M. Gardner, Secretary of State, appeared before the Joint Convention and  
 laid the return of votes for Governor and the Executive Council cast in the General  
 Election held November 6, 1990, as follows:

#### FOR GOVERNOR

|              | Gregg, r | Grandmaison, d | Luce, lib. |
|--------------|----------|----------------|------------|
| Belknap      | 9,298    | 5,269          | 714        |
| Carroll      | 8,779    | 3,158          | 584        |
| Cheshire     | 8,158    | 8,327          | 881        |
| Coos         | 5,253    | 3,205          | 222        |
| Grafton      | 11,572   | 7,661          | 634        |
| Hillsborough | 57,345   | 26,064         | 4,310      |
| Merrimack    | 18,537   | 14,159         | 1,925      |
| Rockingham   | 39,957   | 19,767         | 3,511      |
| Strafford    | 13,218   | 9,693          | 1,170      |
| Sullivan     | 5,656    | 4,620          | 397        |
| Totals       | 177,773  | 101,923        | 14,348     |

Judd Gregg, having a plurality of 61,502 votes, was elected Governor.

#### FOR EXECUTIVE COUNCILORS

First District

|                      |        |
|----------------------|--------|
| Raymond S. Burton, r | 39,905 |
| Eleanor R. Hogan, d  | 17,474 |
| Plurality for Burton | 22,431 |



## Second District

|                         |        |
|-------------------------|--------|
| Peter J. Spaulding, r   | 33,435 |
| Molly Cahill, d         | 22,219 |
| Plurality for Spaulding | 11,216 |

## Third District

|                       |        |
|-----------------------|--------|
| Ruth L. Griffin, r    | 35,135 |
| Peter Murphy          | 18,392 |
| Plurality for Griffin | 16,743 |

## Fourth District

|                        |        |
|------------------------|--------|
| Earl A. Rinker, III, r | 30,471 |
| Lou D'Allesandro, d    | 23,918 |
| Plurality for Rinker   | 6,553  |

## Fifth District

|                             |        |
|-----------------------------|--------|
| Bernard A. Streeter, Jr., r | 30,300 |
| Nancy Richards-Stower, d    | 23,153 |
| Plurality for Streeter      | 7,147  |

Sen. Disnard and Rep. Chambers offered the following:

RESOLVED, that the vote for Governor and Council be referred to a committee consisting of two on the part of the Senate and three on the part of the House to compare and count the same and report thereon.

Adopted.

The Chair appointed Reps. Daniel Healy, Leclerc and Elizabeth Greene and Sens. Blaisdell and Oleson.

The Speaker appointed Reps. Stamatakis, Tsiros and Katsakiores to escort the Deputy Speaker of the Greek National Parliament, Theodoros Anagnostopoulos and his wife Thalia to the rostrum.

Deputy Speaker Anagnostopoulos addressed the House.

Mr. Speaker of the House, Mr. President of the Senate, Honorable Democratic Leaders of the House and Senate, fellow Legislators. I want to thank you for the honor of inviting me to be with you today at the start of the new legislative session.

I am here representing the Greek Parliament. As one of its members and one of its legislative leaders, I feel a special bond being in such a historic legislative building such as yours. I am especially honored because I am with a state legislative body, that of the great State of New Hampshire, which over the history of this great nation has contributed a great deal to the development of democracy.

I want to emphasize that I come from the country of Greece which gave birth to democracy. I wish to say, however, that you and millions of other Americans over the years have taken the ideal Democracy and have made it an every day practice and a way of life. Our historic bonds are many. You Americans were at our side when we fought for our independence in 1821. We fought along side each other in both World Wars and it was your help which prevented my country from being under a totalitarian system of government after World War II. Today, your sons and daughters, along with ours, are standing vigil once again together in the Gulf to stop aggression and to restore national sovereignty.

I came to your beautiful state to experience your hospitality and to observe first hand your unique representative government. You have been able to put into practice the most difficult aspects of Democracy. You have been able to transform the gov-

erned into the governing, while keeping the citizenry fully aware of its civic responsibilities. Your ancestors have created values, a constitutional and legislative process, which have survived the test of time. They have instituted a form of freedom which does not get tired easily and that shows its wisdom and its vision. I hope you will preserve it forever while modifying it to suit the challenging times.

I want to emphasize, however, that your values manifest experience and wisdom which have the echo of eternity. You have accomplished all of this by applying the ancient Greek philosophy of measured judgment.

I thank you again for the honor you have extended to the Greek Parliament and to me. I wish, during your tenure in office, that you have a productive session for the good of your state, your nation and the world. I wish you Happy New Year.

Rep. Raymond Buckley moved that Deputy Speaker Anagnostopoulos's remarks be printed in the Journal.

Adopted.

Sen. Dupont and Rep. Burns offered the following:

### RESOLUTION

welcoming Theodoros G. Anagnostopoulos,

Deputy Speaker of the Greek National Parliament

WHEREAS, the form of government called democracy was established by the ancient Greeks in 600 B.C. and the term is the combination of two Grecian words: demos meaning people and kratos meaning rule or authority, and

WHEREAS, Athenian political thinkers stressed the idea of rule by law commencing when ancient Athens was a direct democracy, and

WHEREAS, the State of Kardhitsa in the Province of Thessaly has chosen Theodoros G. Anagnostopoulos as its representative to Parliament where he currently serves as Deputy Speaker, and

WHEREAS, Speaker Anagnostopoulos and his wife Thalia are visiting the United States and New Hampshire for the purpose of observing organizational activities both here and in the United States Congress tomorrow, now therefore be it

RESOLVED, by the House and Senate, in Joint Session convened on Wednesday, January second, Nineteen Hundred and Ninety-One at the State Capitol in Concord, that Theodoros Anagnostopoulos be greeted with the friendship and admiration for his country's initiation of the governmental process that serves so many countries so well today, and be it further

RESOLVED, that a suitable copy of this resolution be prepared for presentation to him.

Adopted.

Sen. Delahunty and Rep. Gross moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

### RECESS

#### (Speaker in the Chair)

Senate President, Edward Dupont, Jr., addressed the House.

**RESOLUTION**

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today it be to meet Thursday, January 3rd, 1991 at 11:00 a.m.

Adopted.

The House adjourned at 2:15 p.m.

**HOUSE JOURNAL No. 3**

Thursday, January 3, 1991

The House assembled at 11:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend Edward G. Horstmann, Pastor, First Congregational Church of Hopkinton.

Gracious God, as a new year dawns we give thanks for the promise of the future, and also for the goodness of the past; the wisdom gained, the seeds that were sown, the truth that was received, the times when our consciences were awakened by Your compassion.

Equip us now, good Lord, for the work that needs doing; guide and strengthen Governor Gregg and all public servants; bless the land and people of New Hampshire that we may use our resources uncommonly well for the common good.

And help us to see in each other untapped reservoirs of knowledge and insight, that together we might do those things which make for peace on earth and goodwill among all people. Amen.

Rep. Domaingue led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Vogler, Perry, Molner and Stacey Cole; the day, illness.

Reps. Daniel Healy, Spencer, Mayhew, Adams, Lynch and Hurst; the day, important business.

**INTRODUCTION OF GUESTS**

Thomas Torr, son of Rep. Ann Torr. Mary Hoit McNerney, Donald and Polly Wright, wife, nephew and niece of Rep. McNerney. Dorothy Bancroft, guest of Rep. Burns. Susan Desrosiers, wife of Rep. William Desrosiers. Donna Smith, Mary Roy and Darlene Carroll, wife, mother-in-law and daughter of Rep. Arthur Smith.

Reps. Gross and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives is ready to meet the Honorable Senate in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, and the Inauguration of the Governor, the Honorable Judd Gregg.

Adopted.

**RECESS****JOINT CONVENTION**

(Speaker presiding)

**INTRODUCTION AND SEATING OF SPECIAL GUESTS**

The Sergeant-at-Arms introduced the following who were escorted to their seats by the Governor's Military Staff; Major General Lloyd M. Price. Adjutant General, Chief of Staff; Major Kevin J. Crowley, Major Raymond V. Rogers, Major William Estey, 1st Lieutenant Karen L. Larson, Commander William M. Golding, Captain Walter D. Kilian, Lieutenant Colonel Paul M. Mayette, Colonel Paul F. Lessard, Major John Croteau, Jr., Major Francis L. Cramer, Lieutenant Commander David Gregg and Major Cyrus Gregg, Aides-de-Camp.

The Honorable Shane Devine, Chief Justice of the United States District Court; the Honorable Norman Stahl, Justice of the United States District Court; the Honorable David A. Brock, Chief Justice of the New Hampshire Supreme Court; Associate Justices of the New Hampshire Supreme Court: William F. Batchelder, William R. Johnson, W. Stephen Thayer, III, Sherman D. Horton; the Honorable Richard P. Dunfee, Chief Justice of the Superior Court; the Associate Justices of the Superior Court: James J. Barry, Jr., Linda S. Dalanias, Robert B. Dickson, Joseph A. DiClerico, Jr., Vincent P. Dunn, Margaret Q. Flynn, Frederick D. Goode, Douglas R. Gray, William J. Groff, Bernard J. Hampsey, Jr., Philip S. Holman, Philip P. Mangones, George L. Manias, Kathleen A. McGuire, Bruce Mohl, Robert E.K. Morrill, Walter Murphy, Joseph P. Nadeau, William J. O'Neil, James D. O'Neill, III, Harold W. Perkins, Peter J. Smith, Robert H. Temple; District Court Justices: Armand Capistran, Norman E. Champagne, Robert L. Cullinane, Roger L. Gauthier, H. Philip Howarth, Edwin W. Kelly, Robert D. Marshall, Michael F. Sullivan and Lawrence F. Warhall.

Former Governor Meldrim Thomson, Jr., and Mrs. Thomson; former Governor Walter Peterson and Mrs. Peterson; former Governor Lane Dwinell and Mrs. Dwinell, former Governor Hugh Gregg and Mrs. Gregg, father and mother of Governor Judd Gregg.

Mrs. Gordon Humphrey; Congressman Charles Douglas; State Treasurer, Georgie Thomas; Attorney General, John Arnold; Secretary of State, William Gardner, Mrs. Gardner and son.

The Reverend Clergy: Bishop Leo E. O'Neil, Father James C. Christon, Rabbi Arthur Staff, Reverend Daniel Osgood; The Honorable Senate; the Council-elect, the Honorable Raymond Burton, Peter Spaulding, Ruth Griffin, Earl Rinker and Bernard Streeter; the Honorable President of the Senate, Edward C. Dupont, Jr.; former Congressman James C. Cleveland and Mrs. Cleveland; Mrs. Eleanor Burns, wife of Rep. Burns, guests of Councilors-elect and House leadership.

Family and guests of Governor Gregg; Kathy Gregg, Joshua, Molly and Sarah Gregg. The First Lady of the United States, Barbara Bush.

Sens. Blaisdell and Oleson and Reps. Daniel Healy, Leclerc and Elizabeth Greene offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Executive Council, reports that it has attended to its duties, and the vote is correct. Further, the Committee has advised the Governor-elect and the Councilors-elect of their election. They have accepted said offices and are ready to meet the Senate and House of Representatives in Joint Convention to take the oath of office.

The New Hampshire National Guard posted the Colors followed by the National Anthem sung by Jane Hively of Conway.

Invocation was offered by Bishop Leo E. O'Neil, Diocese of Manchester.

Gracious God of all ages, on the one remaining wall of the temple of Jerusalem are etched the words, "The Generation that does not rebuild the temple is guilty of its destruction." We gather today to rebuild the structures of our freedom, our rights and our duties.

Bless the time and seasons of our state. We, the people, gather today to acknowledge our sacred trust: the lakes and towns, cities, hills, seas and mountains — and our greatest treasure, the mind and spirit of the people of this free and federated state. This is our common wealth. May it be guarded and cherished in these chambers.



Here, too, is assumed a common burden, for the men and women who enact or execute, judge or protect our laws, must first listen. There can be no speeches, no proclamation, no debate until we have heard the cry of the poor, the voice of the powerless, the plea for justice, the thundering call for peace.

Here, in these chambers, there must be silence so that our constitution may whisper guidance and Your Holy Spirit may break through the barriers of confusing noise and lead us to the gentle task of righteous discernment. May these men and women, who are the voice of the people, carry our common burden. Make them, O Lord, attentive listeners.

Bless this man, Judd Gregg, into whose hands we place the governance of our state. May he accept the burden of confidence. For weariness is the partner of responsibility; criticism is the companion of leadership and steadfast resolve is often victimized by negativism. Only the dynamic energy of confidence can burst through the fortress that relies on the security of inaction, rather than the risk of renewal; or can pierce through the gloom of doubts. Make this man steady-as-you-go so that his confidence can rally us to hope, and free us from the paralysis of fear.

Bless Mrs. Bush whose vibrant and courageous personality embodies all we struggle to be as Americans and human beings.

Bless Kathy Gregg and her family, for in them the Governor will find his strength and his consolation.

Bless all of us. Teach us that only three things are required of us — to echo the Prophet Micah: to act with justice, to love tenderly, to walk humbly with our God. Then we can be confident that we are the generation that is not guilty of the destruction but has rebuilt Your Holy Temple. Amen.

The Chair introduced the First Lady of the United States, Barbara Bush.

Thank you very much. Before I read the letter from George, I noticed that there was a little speculation about my coming up here. I'm going to tell you the truth, the whole truth, believe it or not. I came because of the enormous affection the Bush family has for the Gregg family.

Mrs. Bush read the letter from President Bush:

I am delighted to extend my warmest greeting to all those gathered for the inauguration of Judd Gregg as Governor of New Hampshire. It is a particular pleasure for me to send this message because of the warm friendship the Bush and Gregg families have shared over the years.

Judd Gregg has served the State of New Hampshire with distinction, and the people of New Hampshire have wisely invested their confidence in him for a second term. Inaugurals are a time for renewal and rededication. Under Judd's able leadership, New Hampshire has a bright future, and I share the high hopes that are so much a part of this day.

I value the relationship I have with the nation's Governors. They provide leadership in a challenging arena, and every day, their work impacts the lives of the people they represent. Judd Gregg brings to this office a special understanding of the concerns of the citizens of New Hampshire and valuable insights into the opportunities facing your great state.

I am pleased that Barbara is able to be with you on this special day to express our respect for Judd and our affection to the whole Gregg family.

(Signed) George Bush.

Chief Justice David Brock administered the oath of office to Governor-elect Judd Gregg.

A prayer for peace and thanksgiving was offered by Reverend Father James C. Christon, Pastor Emeritus, Assumption Church, Chaplain, Eastern Orthodox at the Veterans Administration Center, Manchester.

Father in heaven, we are ever cognizant of our dependence on Your presence and Your approval of all of our endeavors.

On this inauguration day of the Governor of this sovereign state, we would pause in prayer before You. Increase, we beseech You, our faith in You and in Your divine purpose for humankind. Enable us to tune our wills to be in perfect harmony with Your sublime will. Inspire us in all our deliberations. Guide us to peace in the world in our time and in our hearts.

We stand in awe before You and express our grateful thanks for enabling our forefathers to found this blessed Nation, and particularly this progressive state, for the common good. We thank You for the gifts of truth and life. We thank You for the opportunity to serve. We thank You for the fellowship of enriching love which channels Your beneficial grace to us and makes us channels of Your enduring blessings.

Grant us wisdom, courage, perseverance, and, yes, even sacrifice to safeguard those gracious gifts that assure us our cherished freedoms.

Bless our Governor, our legislators, all our leaders in this great country with Your wisdom from above. Help them and us to diligently work unceasingly for peace and its establishment in all the earth.

In the name of the Prince of Peace, whose teachings embody the principles of Your kingdom, we pray. Amen.

The Governor administered the oath of office to the Honorable Councilors-elect, Raymond Burton, Peter Spaulding, Ruth Griffin, Earl Rinker and Bernard Streeter.

The Governor delivered his Inaugural Address as follows:

I'd like to begin today with a series of acknowledgments. The first acknowledgments I'd like to make are to people who are not here with us. Men and women who are our friends and our neighbors and who have been called to arms. Our National Guard and reserve units and those who serve in the service and who are now serving our nation: men and women of the 744th Transportation Company; men and women of the 1159th Medical Detachment; men and women of the 94th MP Company, Army Reserve; men and women of the 157th Air Refueling Group, Air National Guard; men and women in Company B, First Battalion, 25th Marines; and those men and women from New Hampshire and throughout this country, of course, who are serving in the regular armed services. These individuals have been called by our President to defend and stand for our freedoms. We obviously wish them the best and we ask that they be returned to us safe and sound. We support our President in his initiatives to assert the needs of liberty and independence as they exist throughout the world.

I also, of course, want to acknowledge Kathy and my family. Of course, we are extraordinarily honored to have Barbara Pierce Bush with us today. I use the full name because there is a certain symmetry to her being here today. There are really two Pierces that we have in this hall: the wonderful, dynamic First Lady, and also our own Franklin Pierce, of whom she is a direct descendent. We do thank you very much, Mrs. Bush, Kathy and I, for your taking the time out of what is an extraordinarily hectic schedule, to be here in New Hampshire. It means a great deal to me and to our

family, to my parents, to all of New Hampshire. The relationship which you and your husband have to our state is, we believe, unique and we recognize that you feel that way also. We greatly admire you and call you friend. Thank you very much.

I also wish to acknowledge, of course, the Chief Justice, the members of the Court, the Honorable Council which has been introduced to you today, the Speaker and the Legislature, a body which I look forward to working with. In fact, as I think of it, I have seen many of you for the last two years.

I don't think he's here today, but I think we should also acknowledge, individually, one member of the Legislature and that's Dan Healy, who for 23 terms has served in the House. He couldn't make it today, but that's 46 years at the completion of this term that he has been in the House of Representatives. An incredible record for anyone, obviously. We're just hoping that for the next 46 he'll get it right and be a Republican. He reflects the type of commitment to state government and to a volunteer form of government which our Legislature so appropriately serves. Also, of course, the President of the Senate and the members of the Senate. I'll be honored to serve with you over the coming year.

Friends and citizens of New Hampshire.

We gather today as a society, facing a world in transition, a federal legislature which is in fiscal paralysis and a regional economy which is in a severe recession. These clearly are not easy times. But they are times when we, who govern the states, can have an immediate, positive and permanent impact.

At the end of World War I, in the early part of this century which is now closing, the federal government consolidated and began growing in a geometric progression, being turned to for the answers and solutions to almost all issues of public policy.

In the same time frame, the proposition of socialism took on its greatest force with the rise of the communist state, a movement that brought about a world confrontation on the issues of how best to govern.

Today, socialism has been proven to be a nightmare of idealism and the federal government has grown to be a behemoth whose mass is so great and so unmovable as to be a frustrating weight on a market-oriented society.

Therefore, we who govern at the state level are as much by chance, as by design, thrust forward as the forces for opportunity; the accomplisshers of the dreams of the self-governed.

It is, therefore, a great bit of good fortune to be at this time and place, no matter how acute the state of the economy may be. For, we have the chance to use our imagination, creativity, common sense and New Hampshire fiscal prudence to deliver into this world of turbulence, disarray and disorientation, effective, quality government.

This is no small challenge. For, to describe our economy or our economic outlook as being dire, might be a generous term.

Having gone through the greatest economic expansion in the post World War II period in the late 1980s, we are now facing what may well be the most significant economic retrenchment or contraction in the same period. With the real tragedy being that a great many people are losing their jobs.

As we look ahead at this stretched economy, we face further deterioration resulting from a banking system that cannot fund or even slightly encourage the activities of the risk-takers and the entrepreneurs. We have a budget where revenues for the year 1990 were less than the revenues for the year 1989; even after some tax increases, and

revenues for the year 1991 will likely not be much better than the year 1990, again, after some tax increases.

We can, of course, in the area of state finances compare ourselves with some slight satisfaction to the plights of our sister states which are even more severe. This does not, however, resolve our problems, but at least it should confirm the strength of the courses we have taken, which has been to act quickly and definitively on issues of fiscal policy.

Thus, again over the next few weeks I will be asking you for quick and definitive responses, first in the supplemental and then in the biennial budgets.

During the late 1980s, the government of the State of New Hampshire grew faster than any other state government in the country. Revenues were managed, but spending was not. Today, we are facing revenue growth of less than 1.3 percent and an overall economic growth of less than 2 percent. Clearly we cannot allow government to grow faster than these factors. We are no longer in a time of ever-expanding economy, but rather in a time of a significantly slowed economic growth and government must also contract.

We should heed the counsel — as we often do as a nation, but specifically relative to New Hampshire — of Thomas Jefferson, who in writing to the Governor of New Hampshire in 1816, William Plumer, said, “I place economy among the first and most important virtues in the area of managing government.”

The simple fact is that some areas of government are going to have to be reduced in size.

This will be an immense challenge. For, obviously, during times like these certain activities of government, those that benefit the people out of work, the displaced and the poor need to be increased in their level of support. This means that I am going to ask you to look at all functions of government, acknowledge that we cannot be all things to all people and order our priorities. Some programs will have to be reduced; some possibly even eliminated. Many agencies will receive less funding. These are not going to be enjoyable decisions, but it is our obligation to make them.

For if we fail to act decisively, then this government will be adding its weight to the already overburdened economy. Our goal must be to create jobs, for a good job is the core element of high quality life, and quality jobs cannot be created in an environment where the rate of growth of the government is not limited to the rate of growth of the economy.

In addition, to energize economic growth we must continue to move forward in the area of economic development. This is obviously an arena which has received tremendous attention over the last year, but it is also an arena where much can still be done. The biggest single economic problem confronting us as a state is the lack of debt equity for our business community. It is becoming virtually impossible for our entrepreneurs and our risk takers, even for our successful merchant businessmen, to find the necessary liquidity to expand, grow and create jobs.

In fact, if you were to order the problems which we face today as a government, it would not begin with the economy and it would not begin with the budget. It would begin with our banking system.

We need to re-invigorate our banking system if we are to see our economy pick-up and in turn see the revenues flow into the state which will support our service needs.

In order to address this issue, I have been meeting aggressively with the regulators, for in large part, what we are confronting here is a regulatory driven, recessionary banking contraction.



Getting the attention of the FDIC, Federal Reserve Bank and comptroller on this issue has not been easy. However, as chairman of the New England Governors' Conference, I have aggressively pursued and will continue to pursue this path. We will be pulling together in February a forum of New England leaders, including all the Governors of New England, with this issue as the primary item on our agenda.

In New Hampshire, there are some things we can do, although I must admit to a large extent they are at the margin. We will be proposing to fund a venture capital initiative which will create an available pool of liquidity for job creators using funds that can be leveraged up by loans from federal agencies.

In addition, to the extent that we have public projects which are ready to go and which we can afford, we should begin to build those projects as quickly as possible. Now, I didn't say a state office building on the Heights. Further, we intend to continue to expand and aggressively pursue our three-point effort in the area of economic development. Specifically, encouraging those companies already in New Hampshire to expand in New Hampshire if they are in the growth phase; to assist in the area of export, helping our small and moderate-level companies export and to attract good new companies to New Hampshire. This program has produced some major successes and there are still major successes to come, and we will pursue the program aggressively.

Certainly, the activity around Pease Air Force Base, although frustrating at times, shows progress, and interest remains extraordinarily high. In addition, we will be proposing, in the capital budget, the funding needed for expansion of the Port Facility.

We see the combination of Pease and the port facility as being the window of opportunity for export to Europe, not only for New Hampshire, but also for all of New England.

New Hampshire is unique. We remain a state that offers to our citizens the lowest overall tax burden of any state in the country. That, of course, includes the amount paid for property taxes. This uniqueness should never be underestimated in our ability to attract and create economic activity and jobs. And, therefore, it would quite simply be killing the goose that lays the golden egg to step off on the path of our sister states who have proceeded to dramatically expand their overall burden of government by introducing the machinery of broad-based taxes.

The proponents of adding a broad base tax have sheltered their presentation of the theory in the proposition that they will use these revenues to reduce the burden of property taxes.

Obviously, you cannot reduce taxes by raising taxes. I reject this position both from a standpoint of logic and facts. Government always spends all the money it receives, one revenue source is never used to reduce another, and there is no state that has accepted this theory where the whole burden of government has not increased and where the total of taxation has not risen.

Also, there is the question of fairness. There is nothing less fair than a sales tax or a flat-rate income tax which is the only type of income tax allowed by our Constitution. The moderate-income individual inevitably pays a disproportionate share of a flat-rate income tax. A poor individual pays a disproportionate share of a sales tax. The issue of fairness amongst the property-tax payers should be addressed, but it should be addressed in a manner that does not use the issue of a broad base property tax as a cover for the purpose of creating a broad base tax. Thus, in the unlikely event that any general sales or income tax should reach my desk, I will veto it.



We can address property tax relief first by empowering our towns to exempt the low-income individuals and even further exempt our senior citizens from paying a portion of the property taxes assessed against them. This would make property taxes a more progressive system, representing not only a tax assessment on capital worth, which it already is, but ability to pay.

In addition, it is time that we passed a bill enabling our towns to exercise impact fees. If we are to talk about reducing real estate taxes, one point to begin at is the cost which major development passes on to the entire community through infrastructure improvements which would not otherwise be required. Clearly, the impact-fee bill is a way to mitigate this occurrence and to reduce the pressure on property taxes.

Further, we should put in place legislation that will make it clear that when the state government returns to a position of significant revenue surplus, as it will as the economy turns around, that rather than repeating the mistakes of the late '80s when state government programs were dramatically expanded, we instead will share those excess revenues with the towns and cities to help reduce the property tax burden.

But, today, since the economic downturn has severely restricted the revenues of government rather than demanding more taxes, we should look on this event as an opportunity to view government through a different prism and take this opportunity to improve government. Over the years, it has been too easy to say that more money is equated to better services. Since we no longer have the luxury of subscribing to that formula because there simply is not more money, let us see if we can accomplish those functions of government which are critical in a better way on either the money we have or even less dollars.

Take, for example, the issue of education which, of course, is the primary driver of the property tax concerns. Approximately 80 percent of the average property tax dollar goes to support education. We continue to hear from the coalition, which ironically is saying they are going to reduce taxes through raising taxes, that all they need is further dollars to correct our present educational crisis.

Well, America presently spends more per pupil on education than any other industrialized country and yet we continually rank at the lowest level in key disciplines of education such as math, science and literacy. A recent international review concluded that Taiwan ranked first among the top 16 industrial countries in the area of math and science, and the United States ranked last. But when asked a further question, which was, "How do you feel about your education"?, ironically, Taiwan ranked number 16 whereas American children ranked number one for feeling positive about their educational experiences. Thus, you have the syndrome of "I don't know a great deal but I am pretty happy about it." There is, I believe, much that we can do to change this basic problem within our society which doesn't necessarily require more dollars.

We have an educational system which continues to be based on an agrarian calendar during a time when we are a commercial state. It is training our children for an industrial economy when we are participating in an information age. It is educating people in the context that there is a traditional family at home when 70 percent of both parents are working. Issues such as a longer school day, a longer school year, alternative certification, merit pay, the teaching of ethics and sex education can be undertaken or at least reviewed and made available as tools to our local school.

We should also introduce the concepts of a marketplace into the educational community. Choice, an idea which causes many to scream in horror but an idea which in light of the breakdown of the monopolistic approach of government in other functions

of society, should be applied to education. Means test it, in order to limit abuse, but at least allow the concept of choice to be exercised by our local communities such as recently has occurred and is occurring in Epsom and Barrington.

Further, we have a business community which feels it has been left out of the equation of education. It sees more and more of its potential employees being trained in a manner which is irrelevant to the jobs which are available to them. We should not be managing the minutia of day-to-day education; we should not be telling our educators the size of their classrooms or the books to use, but rather we should require the education community to meet certain output standards and those standards should be tied directly to what the commercial and industrial community demands and needs. This is critical if we are to remain a competitive society in the face of global competition.

Almost all of these initiatives can be undertaken without major funding increases. All they take is willingness to reflect some flexibility and to stop the insistence on approaching education with the lowest-common-denominator mentality. If we demand excellence we may get it, but if we accept mediocrity we will certainly get mediocrity.

We must also address, and can address without a great deal of expenditure, the need to protect our environment. One of the key points which came out of the Commission on the 21st Century was the linkage between the various functions of our society and especially among economic development, the environment and tourism.

People seek New Hampshire as a place to create jobs and a place to be employed, not only because we give them a positive tax climate and government climate, but also because we give them a high quality of life in which to raise their families and be employed. This quality of life is tied directly to the environment.

We are now in a period of what some might call a breathing spell. New Hampshire will obviously grow and grow dramatically over the next generation. In fact, the Commission on the 21st Century found that although we had not reached a population of 500,000 until the year 1950 we doubled that population within the next 40 years, reaching the population of one million by the year 1990, and it is expected that we will double again reaching a population of two million in the first third of the next century.

That sort of population growth is inevitably going to put immense pressure on those institutions, ways of life and physical characteristics which have made New Hampshire such an extraordinary place in which to live.

On the environmental side there are a number of initiatives which we should undertake to position New Hampshire for this next growth spurt.

I have proposed a shoreline protection bill arising out of the Shoreline Study Committee which works to protect our lakes, our rivers and the Great Bay estuary. This is where most of the pressure was felt in the 1980s and where we did the poorest job of protecting the state's interest and preserving a high quality recreational environment and the water. The Shoreline bill will essentially put the state in the business of regulating land use around these areas in conjunction with and in cooperation with the local communities. This is an obligation we have to assert as a State.

We will need to continue to pursue, not only recycling initiatives which have been so accepted by so many citizens of this state and communities, but also the issue of marketing recyclable goods. We obviously have a success story but to make that success story have a happy ending we have to sell the goods which we have recycled. Further, we need to encourage a national movement to have goods produced in a manner that makes them either readily recyclable or compostable. I believe a time

will come, sooner than most might think, when we will either re-use our goods or turn them into dirt. Then, we can have our clergy say, "From dust to compost to dust."

Further, in my opinion we need legislation in the area of scenic roads so that we can protect more effectively the roads which are the primary responsibility of the state including legislation which deals with the proliferation of billboards, some of which through their enormity or placement create horrific eyesores.

In addition, we should take a look at ways to assess regional impacts of development activity, encourage cluster zoning and watershed management and enhance our park system. This is all legislation that can be accomplished, all initiatives which can be undertaken without additional costs either to our treasury or to the local communities, but it is activity that should be undertaken if we are to position ourselves for this next surge of growth.

Let me read to you from the report of the Commission on the 21st Century: "The New Hampshire Paradox. People come to New Hampshire or stay in New Hampshire to be independent. We discover paradoxically that independence requires community effort. To maintain independence from large government interference, for example, people at local levels have to take responsibility for local control."

As policymakers, as we go through this difficult economic time, which is a passing event, it is essential that we not take actions in reaction to this time which will fundamentally undermine those qualities which have made New Hampshire unique and which will be needed if we are to retain our quality of life for the next generation.

New Hampshire is our responsibility as citizens. Our government depends upon that commitment. Maintaining a living landscape is essential to creating and retaining our identity as a state and as a people. But to accomplish these goals we must understand our core values and responsibilities.

We are a state that believes in retaining government closest to the people and it would fundamentally undermine that form of government if we were to put the primary engine of taxation at the state level.

We are a state that believes that the citizenry must participate and we would fundamentally undermine that form of government if we professionalize our legislature and make the service in local government so onerous that none should volunteer for it.

We are a state that believes in our scenic value and our aesthetic qualities and we would fundamentally undermine those values and those qualities if we do not limit our development so that it is consistent with the rural images and scenic beauty of the state.

We are, most importantly, a state that understands the impact of the individual and the importance of maintaining individual liberties and in order to maintain those liberties we must not allow the size of government to grow or evolve in a way that causes it to exceed the capacity of individuals to affect it.

As we look forward, our spirits should rise and our expectations be limitless for we have the good fortune to be living in an extraordinary time, in a magnificent place, amongst exceptionally fine people and it is with those convictions that I look forward to leading you over the next two years.

The Rundlett Junior High School Chorus of Concord sang "Old New Hampshire."



Prayer for a successful administration was offered by Rabbi Arthur Starr, Temple Adath Yeshurun, Manchester.

As we gather together today amid the joy of this inauguration and festivity, we pause to ask for blessings: the blessings of wisdom and understanding; the blessings of compassion and patience; the blessings of leadership and cooperation for Judd Gregg, his counselors and advisors, and all who have been entrusted in positions of authority in our state. May the dreams, the visions and the hopes of this administration for our common good be made real. May they bring all of us closer together; may they bring honor to our state and brotherhood to our citizens.

We also ask for blessings, at this time, on our nation and our country. May the machines of destruction poised in the Persian Gulf be turned to instruments of peace as nations realize the futility of war and seek understanding, justice and lasting peace, bringing our sons and daughters home speedily and safely.

As this New Year and this new administration begin, we ask for the strength to enable us to fulfill these goals, bring blessings to the citizens of the Granite State, our nation and all humankind. Amen.

The Reverend Daniel Osgood of the Union Congregational Church in Greenfield offered the Benediction.

O God, You have been from the beginning of creation, a solid rock in times of trouble, a strength in times of conflict, a guide in times of rapid change and uncertainty and a deep resource of love and compassion.

Today, O God, we have witnessed the swearing-in of Judd Gregg as our Governor. We ask You that Your grace may come in overflowing measure upon Governor Gregg. Keep him humble and open-minded as he faces the pressures of leading our state in changing and difficult times. Let him hunger and thirst after true righteousness. Grant him the courage to resist the pressures which make for indifference and injustice. Give him the wisdom and courage to do what he knows to be right as You increase his knowledge of what is right for this our state. Continue to give Governor Gregg integrity that he may be a trusted leader for all people.

We ask Your gracious blessing upon his wife Kathy, their children: Sara, Molly and Joshua. As they continue to face the demands and pressures of public life, may each find in You a deep spirit of contentment, happiness, and joy.

O God, we ask Your blessing on this state of New Hampshire. Guide all her leaders and people by Your spirit. Give us what outward prosperity may be Your will, but above all else give us faith in You that our state may give glory to Your name and be a blessing to all people.

Now, O God, we ask that You bless us and keep us; that Your face shine upon us and be gracious to us; that You look upon us with kindness and give us Your peace, not just today, but everyday. Amen.

Rep. Gross and Sen. Delahunty moved that the Joint Convention arise.  
Adopted.

**(Rep. David Young in the Chair)**  
**RESOLUTION**

Rep. Marsh offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today it be to meet Tuesday, February 5th, 1991 at 1:00 p.m. unless otherwise ordered by the Speaker.

Adopted.

**LATE SESSION****Third reading and final passage**

Rep. Marsh moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 1:15 p.m.

**RECESS****(Rep. Felch in the chair)**

Rep. Krueger offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 50 and 51, and 100 through 145, and Constitutional Amendment Concurrent Resolutions numbered 1 and 2, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS and CACRs****First, second reading and referral**

**HB 50-FN-A**, relative to state revenue and expenditures. (Gross of Merrimack Dist. 16; Delahunty of Dist. 22 - To Appropriations)

**HB 51-FN**, relative to determining employer contribution rates in the New Hampshire retirement system, eliminating the "special account" as a means of funding cost of living adjustments, and providing limited cost of living adjustments. (Campbell of Belknap Dist. 5 - To Executive Departments and Administration)

**HB 100**, clarifying when a school bus driver must pull over to let other drivers pass. (J. Flanders of Rockingham Dist. 10 - To Transportation)

**HB 101-FN**, relative to metered motor fuel deliveries. (P. White of Grafton Dist. 6 - To Commerce, Small Business and Consumer Affairs)

**HB 102**, relative to a state budget spending cap. (Bucio of Rockingham Dist. 20; Ouellette of Hillsborough Dist. 48; A. Smith of Rockingham Dist. 20; Cooke of Rockingham Dist. 20; Klemm of Rockingham Dist. 22 - To Appropriations)

**HB 103**, relative to the time period for perfection of a purchase money security interest under the uniform commercial code. (B. Gage of Rockingham Dist. 20 - To Commerce, Small Business and Consumer Affairs)

**HB 104-FN**, relative to a public water rights report and advisory committee. (Conroy of Rockingham Dist. 7; Dupont of Dist. 6 - To Resources, Recreation and Development)

**HB 105**, making English the official language of the state of New Hampshire. (Raynowska of Rockingham Dist. 20; Weyler of Rockingham Dist. 10 - To Education)

**HB 106-FN**, establishing a committee to study the feasibility of an enhanced state-wide uniform emergency 911 telephone system. (Salatiello of Belknap Dist. 3; Jeffrey Brown of Rockingham Dist. 14; Gross of Merrimack Dist. 16; Cowenhoven of Hillsborough Dist. 19; Dupont of Dist. 6; Delahunty of Dist. 22; Currier of Dist. 7; Russman of Dist. 19; Hollingworth of Dist. 23 - To Commerce, Small Business and Consumer Affairs)

**HB 107-FN**, eliminating registration fees for class AA dams. (Ziegler of Belknap Dist. 6; Schotanus of Sullivan Dist. 1; K. Wheeler of Strafford Dist. 4; Dickinson of Carroll Dist. 2; Disnard of Dist. 8; Fraser of Dist. 4 - To Resources, Recreation and Development)



**HB 108**, prohibiting the legislature from clearing title to a deed through legislation. (Record of Hillsborough Dist. 23; Jasper of Hillsborough Dist. 19 - To Municipal and County Government)

**HB 109-FN**, relative to ballots for districts which elect more than one state representative. (Flanagan of Rockingham Dist. 8; Benton of Rockingham Dist. 5 - To Constitutional and Statutory Revision)

**HB 110-FN**, increasing the fees for licenses to carry loaded pistols and revolvers. (Chase of Rockingham Dist. 28; W. McCain of Rockingham Dist. 11 - To Public Protection and Veterans Affairs)

**HB 111**, relative to recording of information concerning well radii. (Roulston of Rockingham Dist. 20 - To Resources, Recreation and Development)

**HB 112-FN**, relative to the length of time for which variances to zoning ordinances may be granted. (Roulston of Rockingham Dist. 20; Rep. Klemm of Rockingham Dist. 22 - To Municipal and County Government)

**HB 113**, relative to weighted voting in school administrative unit affairs. (Larson of Grafton Dist. 9; Schotanus of Sullivan Dist. 1; Laurent of Cheshire Dist. 2 - To Education)

**HB 114-FN**, relative to the date for terminating the motor vehicle emissions inspection program. (Stewart of Grafton Dist. 4; E. Greene of Rockingham Dist. 18; B. McCann of Hillsborough Dist. 31 - To Environment and Agriculture)

**HB 115-FN**, relative to an elderly property tax increase limitation. (Parr of Rockingham Dist. 17; Stio of Merrimack Dist. 5; Baroody of Hillsborough Dist. 39; Anderson of Merrimack Dist. 7; Parks of Strafford Dist. 6; Oleson of Dist. 1 - To Municipal and County Government)

**HB 116**, relative to a definition of active military service in relation to representatives and senators. (Gross of Merrimack Dist. 16 - To Public Protection and Veterans Affairs)

**HB 117-FN**, relative to housekeeping changes in the weights and measures laws. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HB 118**, relative to determination of alimony where one spouse has remarried. (Record of Hillsborough Dist. 23; Jasper of Hillsborough Dist. 19; Jacobson of Merrimack Dist. 2; Burling of Sullivan Dist. 1; Doucette of Cheshire Dist. 17 - To Judiciary)

**HB 119-FN**, relative to bottled water. (Millard of Merrimack Dist. 4; Desrosiers of Hillsborough Dist. 43 - To Resources, Recreation and Development)

**HB 120**, to standardize the use of tax exemptions and tax credits for property tax purposes. (Grodin of Cheshire Dist. 6 - To Municipal and County Government)

**HB 121-FN**, relative to limiting the mode of taking deer in Rollinsford. (Jankowski of Strafford Dist. 5 - To Fish and Game)

**HB 122**, relative to placing ballots directly in the ballot box. (Theriault of Coos Dist. 8; Salatiello of Belknap Dist. 3 - To Constitutional and Statutory Revision)

**HB 123-FN**, prohibiting merchants from requiring credit cards as identification from customers paying by check. (Guay of Coos 7 - To Commerce, Small Business and Consumer Affairs)

**HB 124**, relative to liability of corporate officers. (T. Christie of Merrimack Dist. 9 - To Judiciary)

**HB 125**, relative to the width of drink rails. (Behrens of Sullivan Dist. 3; Klemm of Rockingham Dist. 22; R. Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

**HB 126**, relative to rules in manufactured housing parks. (Lozeau of Hillsborough Dist. 25 - To State Institutions and Housing)

**HB 127**, changing the name of Fast Day to Civil Rights Day. (Domaingue of Hillsborough Dist. 42; Ouellette of Hillsborough Dist. 48; Barberia of Merrimack Dist. 6 - To Executive Departments and Administration)

**HB 128-FN**, excluding certain types of violations by persons 16 years of age or over from the application of laws regarding children in need of services. (Fields of Hillsborough Dist. 13 - To Children, Youth and Juvenile Justice)

**HB 129-FN**, relative to monitoring the reassessment of taxable property by the department of revenue administration. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

**HB 130-FN**, relative to mass transportation in certain cities. (Nardi of Hillsborough Dist. 35; Reidy of Hillsborough Dist. 45 - To Municipal and County Government)

**HB 131-FN**, relative to liability for acts which create situations requiring unnecessary emergency responses. (Daly of Carroll Dist. 3; Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

**HB 132-FN**, reclassifying portions of certain highways in the town of Sandwich. (Marsh of Coos 1 - To Public Works)

**HB 133**, relative to the right to know law. (Holbrook of Belknap Dist. 13 - To Judiciary)

**HB 134-FN**, relative to convening county charter commissions. (Salatiello of Belknap Dist. 3 - To Municipal and County Government)

**HB 135**, relative to the term of office for county sheriffs. (Chase of Rockingham Dist. 28; J. Flanders of Rockingham Dist. 10; W. McCain of Rockingham Dist. 11 - To Constitutional and Statutory Revision)

**HB 136-FN**, relative to current use assessments and the land use change tax. (E. Greene of Rockingham Dist. 18; Dickinson of Carroll Dist. 2; Teschner of Grafton Dist. 5 - To Environment and Agriculture)

**HB 137-FN**, relative to railroad rights-of-way. (Hoar of Rockingham Dist. 6; Teschner of Grafton Dist. 5; Burling of Sullivan Dist. 1; Oleson of Dist. 1 - To Transportation)

**HB 138-FN**, relative to spousal support. (Lown of Hillsborough Dist. 9 - To Judiciary)

**HB 139-FN**, relative to fair credit billing. (Drolet of Hillsborough Dist. 8; Tsiros of Strafford Dist. 2; B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 140-FN**, allowing 18-year-old students to register to vote at high schools. (P. Brown of Grafton Dist. 11; D. Christy of Grafton Dist. 11; Scanlan of Grafton Dist. 11; Hough of Dist. 5 - To Constitutional and Statutory Revision)

**HB 141-FN**, relative to limiting the mode of taking deer in Dover. (Corte of Strafford Dist. 6; A. Torr of Strafford Dist. 6; Parks of Strafford Dist. 6; Gilmore of Strafford Dist. 7; W. McCann of Strafford Dist. 7 - To Fish and Game)

**HB 142-FN**, relative to school district budgets. (Ferguson of Hillsborough Dist. 10 - To Education)

**HB 143-FN**, relative to the liquor commission's authority to close liquor stores. (Larson of Grafton Dist. 9; Brungot of Coos 8; J. Chandler of Merrimack Dist. 1; Nielsen of Grafton Dist. 8 - To Regulated Revenues)

**HB 144-FN**, exempting municipalities from annual dam registration and classification fees and eliminating registration fees for class AA dams. (Elliott of Hillsborough

Dist. 2; Dow of Grafton Dist. 8; Hultgren of Hillsborough Dist. 1; Currier of Dist. 7 - To Resources, Recreation and Development)

**HB 145-FN**, expanding the definition of "residential real estate" for the purposes of the veterans' tax exemptions. (Scanlan of Grafton Dist. 11 - To Municipal and County Government)

**CACR 1**, relating to initiative petitions. Providing that referenda to amend the constitution and to enact laws may be initiated by petitions. (T. Christie of Merrimack Dist. 9 - To Constitutional and Statutory Revision)

**CACR 2**, relating to biennial legislative sessions. Providing that the general court shall meet biennially. (J. Flanders of Rockingham Dist. 10; Welch of Rockingham Dist. 10; Pepino of Hillsborough Dist. 37; Senter of Rockingham Dist. 9; Whittemore of Merrimack Dist. 10; Podles of Dist. 16; Humphrey of Dist. 17 - To Constitutional and Statutory Revision)

## RECESS

### (Rep. John W. Flanders in the Chair)

Rep. Dube offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 146 through 190, and House Joint Resolution numbered 1, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, and HJR First, second reading and referral

**HB 146-FN-A**, to establish a uniform business tax and making an appropriation therefor. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

**HB 147**, relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates. (F. Riley of Hillsborough Dist. 44 - To Constitutional and Statutory Revision)

**HB 148**, relative to the duties and liabilities of roller skating facility operators and roller skaters. (Fields of Hillsborough Dist. 13 - To Judiciary)

**HB 149-FN-A**, relative to a liquor store in Center Harbor and making an appropriation therefor. (Salatiello of Belknap Dist. 3; Maviglio of Belknap Dist. 1 - To Regulated Revenues)

**HB 150**, relative to the observance of Memorial Day. (Hoar of Rockingham Dist. 6; Wall of Strafford Dist. 4; Mason of Hillsborough Dist. 8; Robinson of Hillsborough Dist. 12; Holden of Hillsborough Dist. 9; Hollingworth of Dist. 23; Pressly of Dist. 12; Humphrey of Dist. 17; King of Dist. 18; Hough of Dist. 5 - To Public Protection and Veterans Affairs)

**HB 151-FN**, establishing a committee to study the use and preservation of the buildings and grounds at the state hospital. (W. Boucher of Rockingham Dist. 23 - To State Institutions and Housing)

**HB 152**, relative to electing the executive committee for the county convention in Merrimack county. (Whittemore of Merrimack Dist. 10; Currier of Dist. 7 - To Municipal and County Government)

**HB 153-FN**, to regulate the handling of manure, agricultural compost and chemical fertilizers. (Teschner of Grafton Dist. 5 - To Environment and Agriculture)

**HB 154**, relative to electing Belknap county commissioners and relative to printing county convention proceedings in Belknap county. (Maviglio of Belknap Dist. 1; Salatiello of Belknap Dist. 3 - To Municipal and County Government)

**HB 155**, relative to notice to tenants of manufactured housing park foreclosure. (McRae of Hillsborough Dist. 6 - To State Institutions and Housing)

**HB 156-FN-A**, establishing a committee to study the feasibility of constructing an access road from West Franklin to exit 19 on I-93 and making an appropriation therefor. (Whittemore of Merrimack Dist. 10; Asplund of Merrimack Dist. 10; Gilbreth of Merrimack Dist. 12; Feuerstein of Merrimack Dist. 10; Currier of Dist. 7 - To Public Works)

**HB 157-FN**, relative to designating trauma care centers. (Cowenhoven of Hillsborough Dist. 9; Copenhaver of Grafton Dist. 12; Currier of Dist. 7; Podles of Dist. 16 - To Health, Human Services and Elderly Affairs)

**HB 158**, relative to highway safety for riders and drivers of horses. (Benton of Rockingham Dist. 5 - To Transportation)

**HB 159-FN-A**, making a supplemental appropriation to the board of tax and land appeals. (Schotanus of Sullivan Dist. 1; Hough of Dist. 5 - To Appropriations)

**HB 160-FN**, requiring persons 14 years of age or older who are charged with certain crimes to be tried as adults. (Rosencrantz of Rockingham Dist. 15; Palazzo of Rockingham Dist. 16; Jeffrey M. Brown of Rockingham Dist. 14 - To Children, Youth and Juvenile Justice)

**HB 161-FN**, to allow former federal employees to purchase credit for their federal services as creditable service in the New Hampshire retirement system. (M. Hill of Merrimack Dist. 14; Fillion of Merrimack Dist. 15 - To Executive Departments and Administration)

**HB 162-FN**, extending the committee studying a statewide trauma care system. (Cowenhoven of Hillsborough Dist. 9; Copenhaver of Grafton Dist. 12; Currier of Dist. 7; Podles of Dist. 16 - To Health, Human Services and Elderly Affairs)

**HB 163**, permitting consideration of annulled criminal records in the hiring and certification process for law enforcement officers. (Fields of Hillsborough Dist. 13 - To Public Protection and Veterans Affairs)

**HB 164-FN**, establishing an unclassified attorney position within the department of corrections. (Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)

**HB 165-FN**, relative to right to trial by jury in small claims cases. (Coffey of Rockingham Dist. 18 - To Judiciary)

**HB 166**, relative to registering voters in cooperative school districts. (Barberia of Merrimack Dist. 6; R. Hawkins of Belknap Dist. 5; Trombly of Merrimack Dist. 4; Lockwood of Merrimack Dist. 6; Stapleton of Merrimack Dist. 6 - To Constitutional and Statutory Revision)

**HB 167-FN**, relative to airman certificates and fees. (Stewart of Grafton Dist. 4 - To Transportation)

**HB 168**, relative to highway classifications. (Marsh of Coos Dist. 1; Salatiello of Belknap Dist. 3; Nelson of Coos Dist. 8; Stio of Merrimack Dist. 5; J. Chandler of Merrimack Dist. 1 - To Municipal and County Government)

**HB 169-FN**, relative to the disposition of revenues collected under the land use change tax. (Robinson of Hillsborough Dist. 12; Calawa of Hillsborough Dist. 14; Colantuono of Dist. 14 - To Municipal and County Government)



**HB 170-FN**, to provide immunity to the board of examiners of psychologists, its agents, investigators, and employees against civil actions resulting from disciplinary investigations and proceedings. (Soldati of Merrimack Dist. 19 - To Judiciary)

**HB 171-FN**, relative to maintaining the "Old Man of the Mountain." (Nielsen of Grafton Dist. 8; Stewart of Grafton Dist. 4; McIlwaine of Grafton Dist. 3; Oleson of Dist. 1 - To Public Works)

**HB 172-FN**, relative to private lease of state railroad real estate. (Hoar of Rockingham Dist. 6; Holbrook of Belknap Dist. 13; Fraser of Dist. 4 - To Transportation)

**HB 173-FN**, establishing a committee to study recodification of the fire laws. (Jeffrey M. Brown of Rockingham Dist. 14 - To Public Protection and Veterans Affairs)

**HB 174**, requiring the appointment of deputy town clerks by the elected town clerk. (Klemarczyk of Rockingham Dist. 13; Emerton of Hillsborough Dist. 6; Haynes of Rockingham Dist. 9; Katsakiores of Rockingham Dist. 7; Heath of Dist. 3 - To Municipal and County Government)

**HB 175-FN**, relative to the hunting of pheasants. (Therhault of Coos Dist. 8 - To Fish and Game)

**HB 176-FN**, relative to conditions on mortgage loans. (Whitcomb of Grafton Dist. 1 - To State Institutions and Housing)

**HB 177-FN**, relative to the cost of notice of a public hearing held by a zoning board of adjustment. (K. Cole of Cheshire Dist. 3 - To Municipal and County Government)

**HB 178**, enabling municipalities to establish review boards to address grievances of tenants and owners of manufactured housing parks. (Katsakiores of Rockingham Dist. 7 - To Municipal and County Government)

**HB 179**, relative to authorization of treatment for communicable diseases. (W. F. McCain of Rockingham Dist. 11 - To Health, Human Services and Elderly Affairs)

**HB 180-FN**, to establish a study committee to evaluate whether a consortium of all institutional law libraries in the greater Concord area is economically feasible and practical. (S. Green of Hillsborough Dist. 36; Gross of Merrimack Dist. 16 - To State Institutions and Housing)

**HB 181-FN**, relative to transportation of a ward committed to New Hampshire hospital. (Martling of Strafford Dist. 4 - To Public Protection and Veterans Affairs)

**HB 182-FN**, authorizing the interception of wire or oral communications regarding securities crimes. (B. Packard of Hillsborough Dist. 15 - To Judiciary)

**HB 183-FN**, relative to the imposition of fines for securities violations. (B. Packard of Hillsborough Dist. 15 - To Judiciary)

**HB 184-FN**, relative to civil penalties for securities violations. (B. Packard of Hillsborough Dist. 15 - To Judiciary)

**HB 185**, relative to certain security transactions exempted from registration. (B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 186**, relative to isolated sales of securities. (B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 187**, including agents of investment advisors in the definition of "agent" under the securities laws. (B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 188**, clarifying definitions of "investment metal contract" and "investment gem contract" for purposes of securities regulation. (B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)



**HB 189**, relative to the rulemaking authority of the director of the office of securities regulation. (B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 190**, relative to the taking of bear. (L'Heureux of Hillsborough Dist. 13; Lougee of Grafton Dist. 13; R. Kelley of Hillsborough Dist. 13; Heath of Dist. 3 - To Fish and Game)

**HJR 1**, concerning the settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine. (Pelley of Strafford Dist. 10; Dupont of Dist. 6 - To State-Federal Relations)

**(Rep. Simon in the Chair)**

Rep. John W. Flanders offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 24, 62 and 63, and 191 through 266, House Concurrent Resolutions numbered 1 and 2, House Joint Resolution numbered 2, and Constitutional Amendment Concurrent Resolution numbered 3, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS, CACR, HCRs, and HJR**

**First, second reading and referral**

**HB 24-FN**, prohibiting departments from mandating by rule programs or responsibilities to political subdivisions without full funding. (Gross of Merrimack Dist. 16 - To Legislative Administration)

**HB 62-FN**, relative to retirement allowances under the New Hampshire retirement system. (R. Campbell of Belknap Dist. 5 - To Executive Departments and Administration)

**HB 63-FN**, relative to mental health insurance benefits. (Gross of Merrimack Dist. 16 - To Commerce, Small Business and Consumer Affairs)

**HB 191-FN**, relative to licensing gas fitters. (Asplund of Merrimack Dist. 10; Whittemore of Merrimack Dist. 10; W. King of Dist. 2 - To Executive Departments and Administration)

**HB 192-FN**, to exempt the real and personal property of societies of Freemasons from taxation. (Chase of Rockingham Dist. 28; Lovejoy of Rockingham Dist. 7; W. F. McCain of Rockingham Dist. 11 - To Municipal and County Government)

**HB 193-FN**, authorizing the state to enter into a lease-purchase agreement with the town of Milford for a new district courthouse. (D. Wheeler of Hillsborough Dist. 10 - To Public Works)

**HB 194-FN**, to require the wearing of motorcycle protective headgear. (Copenhaver of Grafton Dist. 12; K. Foster of Cheshire Dist. 17; McLane of Dist. 15 - To Transportation)

**HB 195-FN-A**, relative to appointment of legal counsel and investigations by the board of examiners of psychologists, and continually appropriating funds for such purposes. (Foss of Strafford Dist. 10 - To Executive Departments and Administration)

**HB 196-FN**, relative to a tie vote in town elections. (E. Clark of Cheshire Dist. 3; Blaisdell of Dist. 10 - To Constitutional and Statutory Revision)

**HB 197-FN**, relative to a tuition reduction for employees of the department of safety. (Senter of Rockingham Dist. 9; Klemm of Rockingham Dist. 22 - To Executive Departments and Administration)

**HB 198-FN**, relative to calculation of fees for motor vehicle registration permits. (Klemarczyk of Rockingham Dist. 13; Emerton of Hillsborough Dist. 6; Haynes of Rockingham Dist. 9; Katsakiores of Rockingham Dist. 7; Kidder of Merrimack Dist. 2; Heath of Dist. 3 - To Transportation)

**HB 199-FN**, restricting the use of electronic collars and telemetry equipment used in connection with dogs during the bear hunting season. (Scanlan of Grafton Dist. 11 - To Fish and Game)

**HB 200**, relative to the approval of union contracts by the county convention and its executive committee. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

**HB 201**, relative to the authority of the pharmacy board to seize evidence. (Sytek of Rockingham Dist. 20 - To Judiciary)

**HB 202-FN**, to extend the time period within which a corporation may reinstate its charter. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

**HB 203-FN**, relative to the confidentiality of quality assurance records of community mental health centers. (K. Foster of Cheshire Dist. 17 - To Health, Human Services and Elderly Affairs)

**HB 204-FN**, requiring certain hunters to wear hunter orange. (Jasper of Hillsborough Dist. 19 - To Fish and Game)

**HB 205**, restricting the method of taking freshwater smelt. (Drake of Rockingham Dist. 18 - To Fish and Game)

**HB 206**, relative to OHRV noise levels. (Hoar of Rockingham Dist. 6 - To Transportation)

**HB 207**, relative to permitting housing discounts to senior citizens. (Dunn of Merrimack Dist. 21 - To State Institutions and Housing)

**HB 208-FN**, relative to annulments of criminal records. (Sytek of Rockingham Dist. 20 - To Judiciary)

**HB 209-FN**, relative to conflicts between the municipal budget law and collective bargaining negotiations. (Golden of Belknap Dist. 7; Elliott of Hillsborough Dist. 2; R. Hawkins of Belknap Dist. 5; Turner of Belknap Dist. 11; Hoar of Rockingham Dist. 6 - To Municipal and County Government)

**HB 210-FN**, creating a committee to study artificial impoundments. (Marston of Strafford Dist. 6 - To Resources, Recreation and Development)

**HB 211-FN-A**, relative to administrative fees of the air resources division and continually appropriating such fees. (E. Greene of Rockingham Dist. 18; B. McCann of Hillsborough Dist. 31 - To Environment and Agriculture)

**HB 212-FN**, relative to black bear hunting licenses. (Perham of Hillsborough Dist. 10; Drake of Rockingham Dist. 18 - To Fish and Game)

**HB 213-FN**, relative to rates set for medicaid and the administrative procedure act. (Fair of Merrimack Dist. 7 - To Health, Human Services and Elderly Affairs)

**HB 214-FN-A**, creating a new class of highways for access to public waters and making an appropriation therefor. (W. Boucher of Rockingham Dist. 23; A. Wiggin of Carroll Dist. 4 - To Fish and Game)

**HB 215-FN**, relative to removing vegetation obstructing advertising devices and planting lilac bushes. (A. Torr of Strafford Dist. 6; Elliott of Hillsborough Dist. 2; S. Green of Hillsborough Dist. 36; M. Campbell of Rockingham Dist. 20; Nardi of Hillsborough Dist. 35 - To Environment and Agriculture)

**HB 216-FN**, prohibiting the use of non-biodegradable packaging for bait containers. (McKinney of Rockingham Dist. 23; W. Boucher of Rockingham Dist. 23 - To Environment and Agriculture)

**HB 217-FN**, instituting a mandatory elderly tax credit for individuals over 62 years of age. (Rubin of Rockingham Dist. 19 - To Municipal and County Government)

**HB 218-FN**, to establish a local property tax homestead exemption. (Rubin of Rockingham Dist. 19 - To Municipal and County Government)

**HB 219-FN**, establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital for certain state offices. (Parks of Strafford Dist. 6 - To State Institutions and Housing)

**HB 220-FN**, repealing the art fund. (F. Riley of Hillsborough Dist. 44; Jasper of Hillsborough 19 - To State Institutions and Housing)

**HB 221-FN**, relative to respite care for Alzheimer's disease. (Nardi of Hillsborough Dist. 35; Parks of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

**HB 222-FN**, requiring certain persons to complete a hunter education program. (W. H. McCann of Strafford Dist. 7; Vaughn of Rockingham Dist. 27 - To Fish and Game)

**HB 223-FN**, limiting the interest rate on consumer credit cards to the highest interest rate allowed by a bordering state. (Rosencrantz of Rockingham Dist. 15; Palazzo of Rockingham Dist. 16 - To Commerce, Small Business and Consumer Affairs)

**HB 224-FN**, relative to new motor vehicle arbitration. (Pelley of Strafford Dist. 10; Braiterman of Merrimack Dist. 3; B. Packard of Hillsborough Dist. 15; Wall of Strafford Dist. 4 - To Commerce, Small Business and Consumer Affairs)

**HB 225**, relative to representatives- and senators-elect called to active duty. (Krueger of Sullivan Dist. 6 - To Public Protection and Veterans Affairs)

**HB 226-FN-A**, relative to reimbursing the Plymouth school district for certain expenses and making an appropriation therefor. (P. White of Grafton Dist. 6 - To Education)

**HB 227-A**, reappropriating funds appropriated for the Concord district court facility for off-site traffic-related improvements. (Hayes of Merrimack Dist. 21 - To Public Works)

**HB 228-FN-A**, relative to augmentative communication devices and making an appropriation therefor. (W. H. McCann of Strafford Dist. 7; Copenhaver of Grafton Dist. 12 - To Health, Human Services and Elderly Affairs)

**HB 229-FN**, relative to legislative review of the New Hampshire statutes. (Rubin of Rockingham Dist. 19 - To Constitutional and Statutory Revision)

**HB 230**, relative to the amount and the application of the veterans' exemption and repealing the optional veterans' exemption. (Rubin of Rockingham Dist. 19; T. Christie of Merrimack Dist. 9; Walsh of Sullivan Dist. 7; Thayer of Rockingham Dist. 17 - To Municipal and County Government)

**HB 231-A**, to repeal the increase in the rates of certain state taxes. (T. Christie of Merrimack Dist. 9 - To Ways and Means)

**HB 232-FN**, allowing schools and day care providers to check criminal records of applicants for employment. (McKinney of Rockingham Dist. 23 - To Judiciary)

**HB 233**, relative to charter revisions and municipal home rule. (Katsakiores of Rockingham Dist. 7 - To Municipal and County Government)

**HB 234-FN**, requiring grandparents to financially support their daughter's illegitimate children until the illegitimate child is 18 years of age. (T. Christie of Merrimack Dist. 9 - To Children, Youth and Juvenile Justice)

**HB 235-FN**, relative to mandatory risk sharing plans. (Braiterman of Merrimack Dist. 3 - To Commerce, Small Business and Consumer Affairs)

**HB 236-FN**, to increase the transfer fee on vehicles. (Pearson of Cheshire Dist. 15 - To Transportation)

**HB 237-FN**, to increase the local application fee for a certificate of title. (Pearson of Cheshire Dist. 15 - To Transportation)

**HB 238-FN-A**, relative to sewage treatment projects and making an appropriation therefor. (W. H. McCann of Strafford Dist. 7 - To Public Works)

**HB 239**, relative to approving reductions in expenditures for departments. (Nardi of Hillsborough Dist. 35; Vaughn of Rockingham Dist. 27; D. Hall of Merrimack Dist. 7; C. Brown of Grafton Dist. 13; Ferguson of Hillsborough Dist. 10; Pelley of Strafford Dist. 10; Pignatelli of Hillsborough Dist. 31 - To Appropriations)

**HB 240**, restricting the use of shorefront waters. (Marston of Strafford Dist. 6 - To Resources, Recreation and Development)

**HB 241**, relative to the age requirement for retirement communities. (Soldati of Merrimack Dist. 19 - To State Institutions and Housing)

**HB 242-FN**, relative to the powers of county conventions. (R. Campbell of Belknap Dist. 5; Ward of Grafton Dist. 1; W. F. McCain of Rockingham Dist. 11; Maviglio of Belknap Dist. 1; Record of Hillsborough Dist. 23 - To Municipal and County Government)

**HB 243**, relative to the number of signatures required to place a petitioned article on the warrant. (Senter of Rockingham Dist. 9 - To Municipal and County Government)

**HB 244-FN**, establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory and punitive damages. (Gross of Merrimack Dist. 16 - To Executive Departments and Administration)

**HB 245**, prohibiting pre-season baiting. (Kinney of Strafford Dist. 6; Lefebvre of Hillsborough Dist. 29; Felch of Rockingham Dist. 14 - To Fish and Game)

**HB 246-FN-A**, relative to deputy sheriffs employed as bailiffs and making an appropriation therefor. (R. Foster of Carroll Dist. 4 - To Judiciary)

**HB 247**, relative to unopposed candidates serving as election officials in certain municipalities. (Record of Hillsborough Dist. 23; B. McCann of Hillsborough Dist. 31 - To Constitutional and Statutory Revision)

**HB 248-FN**, relative to developments having regional impact. (Metzger of Cheshire Dist. 11; Millard of Merrimack Dist. 4; Currier of Dist. 7 - To Municipal and County Government)

**HB 249-FN**, requiring the state of New Hampshire to make timely payments on its contracts. (Copenhaver of Grafton Dist. 12; Sen. W. King of Dist. 2 - To Executive Departments and Administration)

**HB 250-FN**, relative to the board of nursing. (Copenhaver of Grafton Dist. 12; A. Torr of Strafford Dist. 6; K. Foster of Cheshire Dist. 17 - To Executive Departments and Administration)

**HB 251-FN**, increasing the amount of the tax exemption for postsecondary institutions. (W. Riley of Cheshire Dist. 5 - To Municipal and County Government)



**HB 252-FN-A**, appropriating funds for inspection of apiaries and prevention of honeybee colony contamination. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HB 253-FN**, naming a certain segment of U.S. Route 202 the General Isaac Davis White highway. (Dyer of Hillsborough Dist. 7; Amidon of Hillsborough Dist. 7; Peters of Hillsborough Dist. 7; Grodin of Cheshire Dist. 6; Hunt of Cheshire Dist. 9; Bass of Dist. 11 - To Public Works)

**HB 254-FN**, relative to overnight mooring of houseboats. (Bradley of Carroll Dist. 6 - To Resources, Recreation and Development)

**HB 255-FN**, establishing the New Hampshire foundation for mental health and the mental health foundation fund. (K. Foster of Cheshire Dist. 17; Holmes of Merrimack Dist. 13; K. Wheeler of Strafford Dist. 4; Haettenschwiller of Hillsborough Dist. 28; Senter of Rockingham Dist. 9; Kidder of Merrimack Dist. 2 - To Health, Human Services and Elderly Affairs)

**HB 256**, limiting liability of any person, firm or corporation which donates equipment or services to any postsecondary technical training program. (Skinner of Rockingham Dist. 21 - To Judiciary)

**HB 257**, relative to collection and reclamation of motor vehicle wastes. (Gilmore of Strafford Dist. 7 - To Environment and Agriculture)

**HB 258**, to extend the lapse date for the phase V prison construction appropriation. (Sytek of Rockingham Dist. 20; Sen. Nelson of Dist. 13 - To Public Works)

**HB 259**, permitting a municipal governing body to assign street numbers. (R. Wheeler of Hillsborough Dist. 6 - To Municipal and County Government)

**HB 260-FN**, relative to the property tax exemption for the blind on their residential real estate. (D. Healy of Hillsborough Dist. 38; Laughlin of Hillsborough Dist. 38; Larochelle of Hillsborough Dist. 38 - To Municipal and County Government)

**HB 261-FN**, relative to delays in processing applications for state public assistance. (S. Green of Hillsborough Dist. 36; Nelson of Dist. 13 - To Appropriations)

**HB 262-FN**, revising hazardous waste facility permit fees. (E. Greene of Rockingham Dist. 18; Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HB 263-FN**, establishing a fee structure for used oil marketers. (E. Greene of Rockingham Dist. 18; Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HB 264-FN-A**, creating a nonlapsing, continually appropriated hazardous waste fund to be used for processing hazardous waste transporter permit applications and for monitoring compliance. (E. Greene of Rockingham Dist. 18; Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HB 265-FN-A**, using revenues from a solid waste cleanup fund to fund departmental positions and to pay certain cleanup costs and continually appropriating the fund to the division of waste management. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HB 266-FN**, relative to training of inspectors with the department of agriculture. (Millard of Merrimack Dist. 4; Gross of Merrimack Dist. 16 - To Judiciary)

**HCR 1**, concerning the constitution of the United States. (W. Riley of Cheshire Dist. 5 - To State-Federal Relations)

**HCR 2**, urging Congress to propose a constitutional amendment requiring a balanced federal budget and prohibiting budget appropriation increases in the absence of a national emergency. (Rubin of Rockingham Dist. 19 - To State-Federal Relations)



**HJR 2**, providing that the Kona Wildlife Management Area shall be forever managed by the state of New Hampshire in a manner so as to protect its habitats. (A. Wiggin of Carroll Dist. 4; R. Foster of Carroll Dist. 4 - To Resources, Recreation and Development)

**CACR 3**, relating to the number of terms served by state legislators. Providing that no person shall serve more than 10 years as a state senator or representative. (Maviglio of Belknap Dist. 1; A. Wiggin of Carroll Dist. 4 - To Constitutional and Statutory Revision)

## RECESS

### (Rep. Wadsworth in the Chair)

Rep. Simon offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 55, 58 and 59 and 267 through 334, Concurrent Resolution Proposing Constitutional Amendment numbered 4 and House Concurrent Resolution numbered 3, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, CACR and HCR

### First, second reading and referral

**HB 55-FN**, establishing the New Hampshire countryside fund and making an appropriation therefor. (Gross of Merrimack Dist. 16 - To Resources, Recreation and Development)

**HB 58**, establishing a Martin Luther King Day. (Gross of Merrimack Dist. 16 - To Executive Departments and Administration)

**HB 59-FN**, establishing a moratorium on private correctional facilities and creating a private prison task force. (Gross of Merrimack Dist. 16 - To Public Works)

**HB 267-FN-A**, increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. (Record of Hillsborough Dist. 23; Ahrens of Hillsborough Dist. 13; B. McCann of Hillsborough Dist. 31; Jasper of Hillsborough Dist. 19; Accornero of Belknap Dist. 10; Currier of Dist. 7; Pressly of Dist. 12 - To Ways and Means)

**HB 268-FN**, relative to drug-free truck stops and rest areas. (Pantelakos of Rockingham Dist. 24; J. Flanders of Rockingham Dist. 10; Cohen of Dist. 24 - To Judiciary)

**HB 269**, granting probate judges greater discretion to require bonds from executors and trustees. (Martling of Strafford Dist. 4; Record of Hillsborough Dist. 23 - To Judiciary)

**HB 270-FN**, relative to excavating and dredging permits issued by the wetlands board. (Stamatakis of Sullivan Dist. 4; Klemarczyk of Rockingham Dist. 13 - To Resources, Recreation and Development)

**HB 271-FN**, to study the purchasing policies of the technical institute and the technical colleges. (Copenhaver of Grafton Dist. 12; Skinner of Rockingham Dist. 21 - To Education)

**HB 272-FN**, relative to a physician's reporting of medical conditions to the director of motor vehicles. (Haynes of Rockingham Dist. 9; K. Foster of Cheshire Dist. 17 - To Transportation)

**HB 273-FN**, relative to assault upon a law enforcement officer. (Jeffrey Brown of Rockingham Dist. 14; Palazzo of Rockingham Dist. 16 - To Judiciary)

**HB 274-FN**, relative to sentencing to county correctional facilities. (Record of Hillsborough Dist. 23; Ferlan of Hillsborough Dist. 24 - To Judiciary)

**HB 275-FN-A**, establishing a permanent heritage collections committee and a New Hampshire heritage trust fund, continually appropriating funds in the trust fund to the committee, and making an appropriation therefor. (Sallada of Hillsborough Dist. 4 - To State Institutions and Housing)

**HB 276-FN**, relative to the task force establishing voluntary agreements reducing and recycling the solid waste stream and the duties of the commissioner of environmental services. (Parks of Strafford Dist. 6; Bass of Dist. 11 - To Environment and Agriculture)

**HB 277-FN**, requiring licensure of out-of-state mail order pharmacies. (Haetenschwiller of Hillsborough Dist. 28; Sytek of Rockingham Dist. 20; K. Wheeler of Strafford Dist. 4 - To Health, Human Services and Elderly Affairs)

**HB 278-FN**, relative to liability and indemnification of regional planning commissions. (L. Smith of Hillsborough Dist. 21; Stio of Merrimack Dist. 5; Fair of Merrimack Dist. 7; Daneault of Merrimack Dist. 8; J. Johnson of Merrimack Dist. 11; Sen. Roberge of Dist. 9 - To Judiciary)

**HB 279**, relative to a uniform law on notarial acts. (Roulston of Rockingham Dist. 20 - To Judiciary)

**HB 280-FN**, relative to motor vehicle emissions control requirements for carbon monoxide and hydrocarbons. (Stewart of Grafton Dist. 4; E. Greene of Rockingham Dist. 18; B. McCann of Hillsborough Dist. 31 - To Environment and Agriculture)

**HB 281-FN-A**, establishing a fund for interpreter services for the hearing impaired and making an appropriation therefor. (Nardi of Hillsborough Dist. 35 - To Executive Departments and Administration)

**HB 282-FN**, relative to the BOCA Basic Building Code and the Life Safety Code. (Jeffrey Brown of Rockingham Dist. 14 - To Public Protection and Veterans Affairs)

**HB 283-FN**, establishing a legislative oversight committee on banking. (Goulet of Hillsborough Dist. 11 - To Commerce, Small Business and Consumer Affairs)

**HB 284**, relative to leases for tenants of manufactured housing parks. (S. Green of Hillsborough Dist. 36 - To State Institutions and Housing)

**HB 285-A**, relative to constructing regional vocational centers and making an appropriation therefor. (Dyer of Hillsborough Dist. 7; Bass of Dist. 11 - To Public Works)

**HB 286-FN**, relative to the operation of powerboats on Long Pond in the town of Northwood. (R. Johnson of Rockingham Dist. 1 - To Transportation)

**HB 287-FN**, relative to charging expenses for state police services at certain events. (Fields of Hillsborough Dist. 13 - To Public Protection and Veterans Affairs)

**HB 288-FN**, establishing a study committee on premature births. (I. Pratt of Cheshire Dist. 3; K. Foster of Cheshire Dist. 17 - To Health, Human Services and Elderly Affairs)

**HB 289-FN**, relative to regulating commercial salt water fishing. (Drake of Rockingham Dist. 18; Perham of Hillsborough Dist. 10; Felch of Rockingham Dist. 14 - To Fish and Game)

**HB 290-FN**, relative to the sale of hunting licenses. (Theriault of Coos Dist. 8 - To Fish and Game)

**HB 291-FN**, relative to amending the election laws. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

**HB 292-FN**, relative to the real estate tax lien process. (Golden of Belknap Dist. 7 - To Municipal and County Government)

**HB 293-FN**, relative to mooring requirements. (J. Young of Strafford Dist. 10; Marston of Strafford Dist. 6 - To Resources, Recreation and Development)

**HB 294-FN**, relative to higher education benefits for children of law enforcement officers and firefighters killed in the line of duty. (Jeffrey Brown of Rockingham Dist. 14; Thayer of Rockingham Dist. 17 - To Education)

**HB 295-FN**, relative to the veterans' property tax exemption. (S. Green of Hillsborough Dist. 36 - To Municipal and County Government)

**HB 296-FN-A**, establishing a state emergency response commission and making an appropriation therefor. (Musler of Strafford Dist. 3 - To Science, Technology and Energy)

**HB 297-FN-A**, authorizing the racing commission to license electronic games of chance wherever licensed pari-mutuel wagering takes place. (Roulston of Rockingham Dist. 20 - To Regulated Revenues)

**HB 298-FN**, lowering the level from .10 to .08 for legal intoxication under the DWI laws. (Jasper of Hillsborough Dist. 19; Tufts of Rockingham Dist. 13; Elliott of Hillsborough Dist. 2; D. Dow of Grafton Dist. 8; Dickinson of Carroll Dist. 2; Spencer of Strafford Dist. 10; Searles of Hillsborough Dist. 19; Ferlan of Hillsborough Dist. 24; P. Brown of Grafton Dist. 11; Gilmore of Strafford Dist. 7; Wall of Strafford Dist. 4; Drabinowicz of Hillsborough Dist. 32; Hurst of Rockingham Dist. 17; Nielsen of Grafton Dist. 8; Emerton of Hillsborough Dist. 6; Hashem of Strafford Dist. 3; Podles of Dist. 16; Pressly of Dist. 12; Colantuono of Dist. 14; Roberge of Dist. 9; Fraser of Dist. 4 - To Judiciary)

**HB 299-FN**, relative to the advertising of alcoholic beverages. (Baldizar of Hillsborough Dist. 22; Bean of Grafton Dist. 13; Burling of Sullivan Dist. 1; Nordgren of Grafton Dist. 12; Cohen of Dist. 24; J. King of Dist. 18; Roberge of Dist. 9 - To Regulated Revenues)

**HB 300-FN**, relative to bingo and lucky 7 license application fees. (Buco of Rockingham Dist. 20; Klemm of Rockingham Dist. 22 - To Regulated Revenues)

**HB 301**, relative to lobbying activities by former members of the general court and former employees of the general court. (Maviglio of Belknap Dist. 1 - To Legislative Administration)

**HB 302**, relative to the losing party's payment of the prevailing party's costs in tort actions. (Dickinson of Carroll Dist. 2; Rodeschin of Sullivan Dist. 2; Lewis of Merrimack Dist. 5; Peyron of Sullivan Dist. 2; Foss of Strafford Dist. 10 - To Judiciary)

**HB 303**, relative to instructions to voters on ballots. (Ferguson of Hillsborough Dist. 10 - To Constitutional and Statutory Revision)

**HB 304**, relative to escrow of funds raised through sale of certain types of securities and to certain conditions for sale of securities. (B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 305-FN**, relative to the meaning of the term "charitable" for purposes of real estate tax exemptions. (Nordgren of Grafton Dist. 12; Klemarczyk of Rockingham Dist. 13; Adams of Grafton Dist. 13; Wall of Strafford Dist. 4; Currier of Dist. 7; Shaheen of Dist. 21 - To Municipal and County Government)

**HB 306-FN**, relative to the time for accepting absentee ballots. (A. Christie of Rockingham Dist. 17; Malcolm of Rockingham Dist. 17; Russman of Dist. 19 - To Constitutional and Statutory Revision)

**HB 307-FN**, establishing a committee to review New Hampshire's bankruptcy laws. (Chambers of Grafton Dist. 12; D. Cote of Hillsborough Dist. 25; B. Packard of Hillsborough Dist. 15; W. King of Dist. 2 - To Commerce, Small Business and Consumer Affairs)

**HB 308**, relative to notice requirements for public hearings on zoning changes. (Emerton of Hillsborough Dist. 6 - To Municipal and County Government)

**HB 309**, extending time limits within which condominium projects can be completed. (B. Packard of Hillsborough Dist. 15; Krueger of Sullivan Dist. 6; Fraser of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

**HB 310-FN**, increasing the hazardous waste transporter vehicle registration fee. (E. Greene of Rockingham Dist. 18; Millard of Merrimack Dist. 4 - To Transportation)

**HB 311**, establishing an exemption from registration for securities listed on the National Association of Securities Dealers Automated Quotation National Market System or the Chicago Board Options Exchange. (B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 312-FN**, relative to the bequest of unique numbered license plates. (Hoar of Rockingham Dist. 6 - To Transportation)

**HB 313**, relative to conversion between mutual savings banks, cooperative banks, building and loan associations, guaranty savings banks, savings and loan associations, and commercial banks and trust companies. (B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 314**, relative to confidentiality of cease and desist orders and memoranda of understanding issued by the banking department and of reports submitted to the banking department. (B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 315-FN**, imposing a \$25 filing fee under the timber tax. (Perry of Cheshire Dist. 10 - To Ways and Means)

**HB 316-FN**, relative to publication of notice requirements in situations in which property escheats to the state. (Kurk of Hillsborough Dist. 3 - To Judiciary)

**HB 317-FN**, relative to a minimum service retirement allowance for group II members. (B. Gage of Rockingham Dist. 20 - To Executive Departments and Administration)

**HB 318-FN**, relative to town expenditures. (Ferguson of Hillsborough Dist. 10 - To Municipal and County Government)

**HB 319-FN**, establishing a committee on access to health care. (Fair of Merrimack Dist. 7 - To Health, Human Services and Elderly Affairs)

**HB 320**, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. (McKinney of Rockingham Dist. 23; W. Boucher of Rockingham Dist. 23; W. McCain of Rockingham Dist. 11; Pressly of Dist. 12 - To Commerce, Small Business and Consumer Affairs)

**HB 321-FN**, relative to health insurance reform. (Fair of Merrimack Dist. 7; B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 322**, to adopt the current version of the United States Internal Revenue Code for business profits tax purposes. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)



**HB 323-A**, relative to the Cheshire Bridge and making an appropriation therefor. (Domini of Sullivan Dist. 5; Lindblade of Sullivan Dist. 5; Holden of Hillsborough Dist. 9; Disnard of Dist. 8; Blaisdell of Dist. 10 - To Public Works)

**HB 324-A**, relative to highway projects and bond issuance and making an appropriation therefor. (Marsh of Coos Dist. 1; Fields of Hillsborough Dist. 13; A. Torr of Strafford Dist. 6; Record of Hills. 23 - To Public Works)

**HB 325-FN**, relative to reciprocity of dog training. (Felch of Rockingham Dist. 14; Kinney of Strafford Dist. 6; R. Foster of Carroll Dist. 4 - To Fish and Game)

**HB 326-FN**, relative to disciplinary hearings before the pharmacy board. (Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)

**HB 327-FN**, relative to the disposal of state-owned real estate. (Marsh of Coos Dist. 1; G. Chandler of Carroll Dist. 1; Driscoll of Grafton Dist. 8; Dupont of Dist. 6 - To Public Works)

**HB 328-A**, relative to the site location, design and planning of a new Manchester district court facility and making an appropriation therefor. (LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35; A. Bourque of Hillsborough Dist. 35; G. Desrochers of Hillsborough Dist. 47; Schneiderat of Hillsborough Dist. 34; J. King of Dist. 18; St. Jean of Dist. 20; Podles of Dist. 16; Nelson of Dist. 13; Pressly of Dist. 12 - To Public Works)

**HB 329-FN-A**, relative to the business corporations act and appropriating funds for certain administrative expenses to be reimbursed by fees. (Fields of Hillsborough Dist. 13 - To Constitutional and Statutory Revision)

**HB 330-FN**, establishing a committee to study the issue of an office of the ombudsman for children. (W. McCain of Rockingham Dist. 11; Bean of Grafton Dist. 13; Domini of Sullivan Dist. 5; Searles of Hillsborough Dist. 19 - To Children, Youth and Juvenile Justice)

**HB 331-FN**, establishing a legislative oversight committee on children. (W. McCain of Rockingham Dist. 11; Domini of Sullivan Dist. 5; Searles of Hillsborough Dist. 19 - To Children, Youth and Juvenile Justice)

**HB 332**, relative to filing small claims actions in landlord and tenant cases. (Ouellette of Hillsborough Dist. 48 - To Judiciary)

**HB 333**, relative to notification of insurance cancellation. (Fair of Merrimack Dist. 7 - To Commerce, Small Business and Consumer Affairs)

**HB 334-FN**, relative to the establishment of agency liquor stores. (Behrens of Sullivan Dist. 3; R. Kelley of Hillsborough Dist. 13; McKinney of Rockingham Dist. 23; Klemm of Rockingham Dist. 22 - To Regulated Revenues)

**CACR 4**, relating to voter initiative and referendum. Providing that statutes and constitutional amendments may be proposed, approved or rejected by citizen petition to the secretary of state. (Rubin of Rockingham Dist. 19; T. Christie of Merrimack Dist. 9 - To Constitutional and Statutory Revision)

**HCR 3**, supporting the building of a fire academy. (Benton of Rockingham Dist. 5; Jeffrey Brown of Rockingham Dist. 14; Fraser of Dist. 4; Cohen of Dist. 24 - To Public Protection and Veterans Affairs)

## RECESS

### (Rep. Hawkins in the Chair)

Rep. Lougee offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 52 and 64, 335 through 441, House Concurrent Resolutions numbered 5 through 9, House Resolutions numbered



13 through 15 and House Bills of Intent numbered 1 and 2, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### **INTRODUCTION OF HOUSE BILLS, HCRs, HRs and HBIs** **First, second reading and referral**

**HB 52**, relative to the administration of the New Hampshire retirement system. (Gross of Merrimack Dist. 16 - To Executive Departments and Administration)

**HB 64-FN-A**, to impose a nuclear electricity generation tax. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

**HB 335**, relative to license plates for antique motor cars. (Vaughn of Rockingham Dist. 27; J. Young of Strafford Dist. 10 - To Transportation)

**HB 336-FN-A**, relative to the definitions of "meal" and "restaurant" under the meals and rooms tax. (D. Wheeler of Hillsborough Dist. 10 - To Ways and Means)

**HB 337-FN**, relative to drug and alcohol testing in the workplace. (Senter of Rockingham Dist. 9; Elliott of Hillsborough Dist. 2; Currier of Dist. 7; Roberge of Dist. 9 - To Labor, Industrial and Rehabilitative Services)

**HB 338-FN**, prohibiting the detention of minors in adult correctional facilities and jails. (Julie Brown of Strafford Dist. 11 - To Children, Youth and Juvenile Justice)

**HB 339-FN**, relative to traffic signals. (Marsh of Coos Dist. 1; Kilbride of Coos Dist. 8; J. Chandler of Merrimack Dist. 1 - To Public Works)

**HB 340**, relative to compliance with enabling legislation. (Grodin of Cheshire Dist. 6 - To Municipal and County Government)

**HB 341-FN**, relative to a foundation aid formula study committee. (Skinner of Rockingham Dist. 21; Robinson of Hillsborough Dist. 12; Hough of Dist. 5 - To Education)

**HB 342-FN**, establishing a committee to plan for and commemorate the 500th anniversary celebration of Columbus Day. (Warburton of Rockingham Dist. 6 - To Legislative Administration)

**HB 343-FN**, imposing a fine for failure to file reports and statements under the political expenditures and contributions law. (Holden of Hillsborough Dist. 9; Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

**HB 344-FN**, relative to eligibility for admission to the New Hampshire bar. (Kidder of Merrimack Dist. 2 - To Judiciary)

**HB 345**, relative to the administration of the New Hampshire retirement system. (R. Wheeler of Hillsborough Dist. 6 - To Executive Departments and Administration)

**HB 346**, relative to public hearings and the statement of financial conditions for counties. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

**HB 347**, prohibiting hunting with high-powered rifles in the city of Somersworth. (Frechette of Strafford Dist. 8; D. Messier of Strafford Dist. 9 - To Fish and Game)

**HB 348**, relative to the municipal records board. (Warburton of Rockingham Dist. 6; S. Green of Hillsborough Dist. 36 - To Municipal and County Government)

**HB 349**, relative to the charter of the New Hampshire Centennial Home for the Aged. (Steiner of Hillsborough Dist. 33 - To Constitutional and Statutory Revision)

**HB 350-FN**, relative to negligent homicide. (Pepino of Hillsborough Dist. 37; Jasper of Hillsborough Dist. 19; Gosselin of Hillsborough Dist. 43; Barberia of Merrimack Dist. 6; Daneault of Merrimack Dist. 8; D. Wheeler of Hillsborough Dist.

10; Daniels of Hillsborough Dist. 10; Roberge of Dist. 9; Podles of Dist. 16 - To Judiciary)

**HB 351**, relative to personal flotation devices for sailboards. (Hunt of Cheshire Dist. 9; Markley of Grafton Dist. 6 - To Resources, Recreation and Development)

**HB 352-FN**, relative to the oil discharge and disposal cleanup fund. (Holbrook of Belknap Dist. 13; Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

**HB 353-FN-A**, to tax smokeless tobacco. (Martling of Strafford Dist. 4; Asplund of Merrimack Dist. 10 - To Regulated Revenues)

**HB 354-FN-A**, relative to expanding the state employee assistance program and making an appropriation therefor. (K. Wheeler of Strafford Dist. 4 - To Executive Departments and Administration)

**HB 355-FN**, relative to merchants' credit card policies. (B. Packard of Hillsborough Dist. 15; Chambers of Grafton Dist. 12 - To Commerce, Small Business and Consumer Affairs)

**HB 356-FN**, relative to uniform penalties pertaining to farm products. (M. Campbell of Rockingham Dist. 20 - To Judiciary)

**HB 357-FN**, establishing a fee for administering the state water pollution control revolving loan fund. (Marston of Strafford Dist. 6 - To Resources, Recreation and Development)

**HB 358-FN**, mandatory insurance for motor vehicles, motor-powered boats, and aircraft. (T. Christie of Merrimack Dist. 9 - To Commerce, Small Business and Consumer Affairs)

**HB 359-FN**, relative to fees for registration permits for vehicles. (Pearson of Cheshire Dist. 15 - To Municipal and County Government)

**HB 360-FN**, relative to calculating income for purposes of elderly property tax exemptions. (G. Smith of Merrimack Dist. 20 - To Municipal and County Government)

**HB 361**, repealing certain obsolete education laws. (Pearson of Cheshire Dist. 15; Champagne of Cheshire Dist. 17 - To Education)

**HB 362-FN**, establishing the northeast conservation law enforcement compact. (Perham of Hillsborough Dist. 10; B. Ford of Rockingham Dist. 20 - To State-Federal Relations)

**HB 363-FN**, relative to criminal record checks and fees charged for criminal record checks. (W. Johnson of Merrimack Dist. 5 - To Judiciary)

**HB 364-FN**, relative to the opening and closing of deer season. (Perham of Hillsborough Dist. 10; B. Ford of Rockingham Dist. 20 - To Fish and Game)

**HB 365-FN**, relative to veterans' benefits for certain veterans of World War II. (Searles of Hillsborough Dist. 19 - To Public Protection and Veterans Affairs)

**HB 366-FN-A**, establishing an office of information technology management and making an appropriation therefor. (D. Hall of Merrimack Dist. 7; Gross of Merrimack Dist. 16; Dupont of Dist. 6 - To Executive Departments and Administration)

**HB 367-FN**, relative to the profession of engineering. (R. Hawkins of Belknap Dist. 5; J. Chandler of Merrimack Dist. 1 - To Executive Departments and Administration)

**HB 368-FN**, naming the Parker L. Hancock building of the New Hampshire state prison. (Sytek of Rockingham Dist. 20; R. Johnson of Rockingham Dist. 1; McLane of Dist. 15 - To State Institutions and Housing)

**HB 369-FN**, to establish a state veterans cemetery. (T. Christie of Merrimack Dist. 9 - To Public Protection and Veterans Affairs)

**HB 370-FN**, privatizing the sale of liquor. (T. Christie of Merrimack Dist. 9 - To Regulated Revenues)

**HB 371-FN**, relative to the collection of bail commissioners' fees. (Trombly of Merrimack Dist. 4 - To Judiciary)

**HB 372-FN**, relative to further protection of scenic roads in municipalities. (B. Packard of Hillsborough Dist. 15; Hanselman of Hillsborough Dist. 17 - To Public Works)

**HB 373-FN**, relative to agricultural and farm motor vehicle license plates. (M. Campbell of Rockingham Dist. 20; Lachut of Hillsborough Dist. 1 - To Transportation)

**HB 374-FN**, relative to flammability testing of seating furniture manufactured for public buildings. (D. Messier of Strafford Dist. 9; Currier of Dist. 7 - To State Institutions and Housing)

**HB 375-FN**, authorizing towns to accept donations of property. (Crutchley of Cheshire Dist. 8 - To Municipal and County Government)

**HB 376-FN**, applying hazardous waste generator fees to hazardous waste destined for off-site recycling. (E. Greene of Rockingham Dist. 18; Millard of Merrimack Dist. 4 - To Science, Technology and Energy)

**HB 377-FN**, relative to commercial fishing licenses and the advisory committee on shore fisheries. (Felch of Rockingham Dist. 14 - To Fish and Game)

**HB 378-FN-A**, relative to determining reasonable compensation and adopting a safe harbor formula under the business profits tax. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

**HB 379-FN**, relative to advertising devices within highway rights-of-way. (R. Johnson of Rockingham Dist. 1 - To Public Works)

**HB 380-FN**, relative to sheltered care facilities. (Vaughn of Rockingham Dist. 27 - To Health, Human Services and Elderly Affairs)

**HB 381-FN-A**, relative to the recovery of legal fees incurred by the state and making an appropriation therefor. (Sytek of Rockingham Dist. 20 - To Children, Youth and Juvenile Justice)

**HB 382-FN**, relative to license plates for firefighters. (Trombly of Merrimack Dist. 4 - To Transportation)

**HB 383**, relative to the authority of land surveyors to enter upon lands. (Salatiello of Belknap Dist. 3 - To Judiciary)

**HB 384-FN**, relative to land surveying by corporations or partnerships. (Salatiello of Belknap Dist. 3 - To Executive Departments and Administration)

**HB 385**, relative to administrative inspection warrants, town trust funds, and planning board decisions. (Allard of Carroll Dist. 2 - To Municipal and County Government)

**HB 386**, relative to a representative town meeting form of government. (McNerney of Hillsborough Dist. 6; McRae of Hillsborough Dist. 6; R. Wheeler of Hillsborough Dist. 6; Emerton of Hillsborough Dist. 6 - To Municipal and County Government)

**HB 387-FN**, prohibiting cigarette vending machines in areas to which minors have access. (Jasper of Hillsborough Dist. 19; Jacobson of Merrimack Dist. 2; Hultgren of Hillsborough Dist. 1; Record of Hillsborough Dist. 23 - To Children, Youth and Juvenile Justice)

**HB 388-FN**, relative to New Hampshire Route 101A. (Lown of Hillsborough Dist. 9; Holden of Hillsborough Dist. 9; Perham of Hillsborough Dist. 10; Ahrens of Hillsborough Dist. 13; Durham of Hillsborough Dist. 18; Pressly of Dist. 12; Roberge of Dist. 9 - To Public Works)

**HB 389**, allowing the retention of a granite block retaining wall abutting Lake Winnepesaukee. (Vogler of Belknap Dist. 4 - To Resources, Recreation and Development)

**HB 390**, relative to technical corrections in the liquor laws. (R. Kelley of Hillsborough Dist. 13; McKinney of Rockingham Dist. 23; Klemm of Rockingham Dist. 22; Behrens of Sullivan Dist. 3 - To Regulated Revenues)

**HB 391**, to permit the adoption of impact fees as part of a zoning ordinance. (Wadsworth of Grafton Dist. 13; Spear of Cheshire Dist. 13; R. Wheeler of Hillsborough Dist. 6; W. McCann of Strafford Dist. 7; Currier of Dist. 7 - To Municipal and County Government)

**HB 392-FN**, relative to payment of child support. (Domini of Sullivan Dist. 5; Bean of Grafton Dist. 13; A. Cooke of Rockingham Dist. 20; Spear of Cheshire Dist. 13; Julie Brown of Strafford Dist. 11; Roberge of Dist. 9 - To Health, Human Services and Elderly Affairs)

**HB 393-A**, relative to preliminary designs, an environmental impact statement for improving access to the Manchester airport, re-establishing a legislative task force and making an appropriation therefor. (LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35; Alukonis of Hillsborough Dist. 19; Marsh of Coos 1; W. Boucher of Rockingham Dist. 23; Hough of Dist. 5; Roberge of Dist. 9; Nelson of Dist. 13; Podles of Dist. 16; Blaisdell of Dist. 10 - To Public Works)

**HB 394**, relative to partition of real property. (Salatiello of Belknap Dist. 3 - To Judiciary)

**HB 395**, relative to persons buried at public expense. (Fillion of Merrimack Dist. 15 - To Health, Human Services and Elderly Affairs)

**HB 396**, relative to filing reports in court proceedings involving children. (Trombly of Merrimack Dist. 4 - To Children, Youth and Juvenile Justice)

**HB 397-FN**, relative to persons afflicted with Alzheimer's disease. (Romeo Jean of Hillsborough Dist. 28 - To Health, Human Services and Elderly Affairs)

**HB 398**, relative to determining qualifications of applicants to vote. (Flanagan of Rockingham Dist. 8; Dube of Rockingham Dist. 9; N. Lawrence of Hillsborough Dist. 20; Holden of Hillsborough Dist. 9; P. White of Grafton Dist. 6 - To Constitutional and Statutory Revision)

**HB 399**, relative to leases for tenants of manufactured housing parks. (McRae of Hillsborough Dist. 6; Katsakiores of Rockingham Dist. 7; Whitcomb of Grafton Dist. 1; Emerton of Hillsborough Dist. 6; Podles of Dist. 16 - To State Institutions and Housing)

**HB 400**, relative to a property tax postponement law. (Walsh of Sullivan Dist. 7 - To Municipal and County Government)

**HB 401**, relative to conibear traps. (K. Cole of Cheshire Dist. 3 - To Fish and Game)

**HB 402**, relative to recording information on sewage and waste disposal systems. (T. Christie of Merrimack Dist. 9 - To Resources, Recreation and Development)

**HB 403**, relative to property tax relief for certain elderly homeowners. (Daigle of Hillsborough Dist. 24 - To Municipal and County Government)



**HB 404-FN**, relative to certification of wetland scientists. (L. Smith of Hillsborough Dist. 21; Roulston of Rockingham Dist. 20 - To Resources, Recreation and Development)

**HB 405**, relative to using motor vehicle headlights in inclement weather. (I. Pratt of Cheshire Dist. 3; E. Clark of Cheshire Dist. 3 - To Transportation)

**HB 406**, relative to modification of support orders. (Spear of Cheshire Dist. 13; Lynch of Cheshire Dist. 17; I. Pratt of Cheshire Dist. 3; Wallner of Merrimack Dist. 21; Cohen of Dist. 24; Shaheen of Dist. 21 - To Children, Youth and Juvenile Justice)

**HB 407**, relative to failure to report injuries resulting from criminal acts. (Spear of Cheshire Dist. 13 - To Judiciary)

**HB 408**, relative to the administration of the New Hampshire retirement system. (S. Green of Hillsborough Dist. 36 - To Executive Departments and Administration)

**HB 409-FN-A**, establishing an industrial heritage commission and industrial heritage park fund and making an appropriation therefor. (A. Bourque of Hillsborough Dist. 35; O'Rourke of Hillsborough Dist. 35; Sallada of Hillsborough Dist. 4; La-Mott of Grafton Dist. 5; J. King of Dist. 18; Podles of Dist. 16; St. Jean of Dist. 20 - To Labor, Industrial and Rehabilitative Services)

**HB 410-FN**, relative to certification as an habitual offender for DWI-related convictions. (Jasper of Hillsborough Dist. 19 - To Judiciary)

**HB 411**, relative to discrimination in the issuance of health insurance policies. (Parks of Strafford Dist. 6; Arnesen of Grafton Dist. 7; W. McCain of Rockingham Dist. 11; B. Packard of Hillsborough Dist. 15; Soldati of Merrimack Dist. 19; W. King of Dist. 2 - To Commerce, Small Business and Consumer Affairs)

**HB 412**, relative to teacher representation on the New Hampshire retirement system board of trustees. (Jeffrey Brown of Rockingham Dist. 14 - To Executive Departments and Administration)

**HB 413-FN**, relative to penalties for insurance laws violations. (Foss of Strafford Dist. 10; Delahunty of Dist. 22 - To Commerce, Small Business and Consumer Affairs)

**HB 414**, relative to unfair claim settlement practices. (Foss of Strafford Dist. 10; Delahunty of Dist. 22 - To Commerce, Small Business and Consumer Affairs)

**HB 415**, relative to funeral arrangements. (A. Merrill of Strafford Dist. 4; Soldati of Merrimack Dist. 19; Gilbreth of Merrimack Dist. 12; Hollingworth of Dist. 23 - To Health, Human Services and Elderly Affairs)

**HB 416-FN-A**, relative to drug-free school zones and making appropriations therefor. (Nordgren of Grafton Dist. 12; Chase of Rockingham Dist. 28; W. McCain of Rockingham Dist. 11; R. Hawkins of Belknap Dist. 5 - To Children, Youth and Juvenile Justice)

**HB 417-FN**, relative to parking privileges for persons with walking disabilities. (Chase of Rockingham Dist. 28 - To Transportation)

**HB 418-FN**, relative to issuance of trapping licenses. (N. Lawrence of Hillsborough Dist. 20; W. Boucher of Rockingham Dist. 23; Jasper of Hillsborough Dist. 19; J. King of Dist. 18 - To Fish and Game)

**HB 419**, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton. (Scanlan of Grafton Dist. 11 - To Transportation)

**HB 420-FN**, restricting state lottery television advertising to certain hours. (Arnesen of Grafton Dist. 7 - To Regulated Revenues)

**HB 421-FN**, establishing a committee to study reforming and coordinating state homicide laws. (Allard of Carroll Dist. 2 - To Judiciary)



**HB 422-FN**, relative to surplus campaign funds. (Gilmore of Strafford Dist. 7 - To Constitutional and Statutory Revision)

**HB 423-FN-A**, making an appropriation for health services for young children. (W. McCain of Rockingham Dist. 11; Bean of Grafton Dist. 13; Wallner of Merrimack Dist. 21; K. Foster of Cheshire Dist. 17; Nardi of Hillsborough Dist. 35; Roberge of Dist. 9; Podles of Dist. 16 - To Health, Human Services and Elderly Affairs)

**HB 424**, relative to the qualifications for a state representative to hold office. (Vaughn of Rockingham Dist. 27; Syracuse of Rockingham Dist. 26; Chase of Rockingham Dist. 28 - To Constitutional and Statutory Revision)

**HB 425**, enabling the state and counties to contract with private entities to manage and operate state and county correctional facilities. (Kurk of Hillsborough Dist. 3 - To Public Works)

**HB 426-FN**, relative to sweepstakes distribution. (Andrews of Hillsborough Dist. 26; McDowell of Hillsborough Dist. 29; Drabinowicz of Hillsborough Dist. 32; Bradley of Carroll Dist. 6 - To Education)

**HB 427-A**, relative to additional improvements on Gosling Road and making an appropriation therefor. (G. Chandler of Carroll Dist. 1; Dupont of Dist. 6 - To Public Works)

**HB 428-FN**, relative to the enforcement and administration of state taxes by the department of revenue administration. (Crutchley of Cheshire Dist. 8 - To Ways and Means)

**HB 429**, relative to the salaries of county attorneys. (Warburton of Rockingham Dist. 6; Dickinson of Carroll Dist. 2 - To Municipal and County Government)

**HB 430**, relative to making public certain records relative to paid settlements involving taxpayer money. (W. Boucher of Rockingham Dist. 23 - To Municipal and County Government)

**HB 431-FN**, relative to exempting certain purchases for severely emotionally disturbed children from state purchasing requirements. (Chambers of Grafton Dist. 12; Rodeschin of Sullivan Dist. 2 - To Education)

**HB 432**, relative to changing the dates for the annual school district meeting and for teacher notification from March to May. (C. Johnson of Belknap Dist. 4 - To Education)

**HB 433**, establishing a developmentally delayed category. (Wallner of Merrimack Dist. 21; Disnard of Dist. 8 - To Education)

**HB 434**, relative to the procedure for planning boards to revoke approval of recorded plats. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

**HB 435-FN**, permitting adjustments in legislative mileage resulting from changes in the price of gasoline. (Gross of Merrimack Dist. 16; Chambers of Grafton Dist. 12; Hough of Dist. 5 - To Legislative Administration)

**HB 436-FN**, making the purchase, possession, and control of child pornography a misdemeanor. (Spear of Cheshire Dist. 13; Lynch of Cheshire Dist. 17; I. Pratt of Cheshire Dist. 3; Kingsbury of Cheshire Dist. 14; Cohen of Dist. 24; Nelson of Dist. 13; Shaheen of Dist. 21 - To Children, Youth and Juvenile Justice)

**HB 437-FN**, regarding the application of pesticides by landlords. (Harland of Sullivan Dist. 8; A. Merrill of Strafford Dist. 4; Allison of Sullivan Dist. 7; Hollingworth of Dist. 23 - To State Institutions and Housing)

**HB 438**, establishing a state policy on aquifers. (Janas of Hillsborough Dist. 39 - To Resources, Recreation and Development)

**HB 439**, relative to employee cooperative corporations. (Spear of Cheshire Dist. 13 - To Commerce, Small Business and Consumer Affairs)

**HB 440**, relative to cable television franchises. (Gross of Merrimack Dist. 16; Fields of Hillsborough Dist. 13; E. Dodge of Hillsborough Dist. 13; R. Kelley of Hillsborough Dist. 13; Ahrens of Hillsborough Dist. 13; Roberge of Dist. 9 - To Science, Technology and Energy)

**HB 441**, relative to the uniform limited offering exemption from securities registration and filing requirements. (B. Packard of Hillsborough Dist. 15; Hunt of Cheshire Dist. 9; Arnesen of Grafton Dist. 7; Fraser of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

**HCR 5**, honoring the village of Hill on its fiftieth anniversary. (J. Chandler of Merrimack Dist. 1; W. King of Dist. 2 - To Legislative Administration)

**HCR 6**, urging the New Hampshire department of transportation to establish and implement an "Adopt-a-Highway" program. (Emerton of Hillsborough Dist. 6; Katsakiores of Rockingham Dist. 7 - To Public Works)

**HCR 7**, adopting a bill of rights for children. (Bean of Grafton Dist. 13; W. McCain of Rockingham Dist. 11; Wallner of Merrimack Dist. 21; Burling of Sullivan Dist. 1; Nordgren of Grafton Dist. 12; W. King of Dist. 2; Dupont of Dist. 6; Hough of Dist. 5; Blaisdell of Dist. 10 - To Children, Youth and Juvenile Justice)

**HCR 8**, urging Channel 8 (WMTW) of Auburn, Maine to provide New Hampshire news coverage and to allow New Hampshire ABC affiliate Channel 9 (WMUR) to broadcast from the Mt. Washington summit. (Guay of Coos Dist. 7 - To State-Federal Relations)

**HCR 9**, relative to universal access to health care. (Arnesen of Grafton Dist. 7; Copenhaver of Grafton Dist. 12; A. Merrill of Strafford Dist. 4; Haettenschwiller of Hillsborough Dist. 28; Spear of Cheshire Dist. 13 - To State-Federal Relations)

**HR 13**, urging school districts to include in their curricula a minimum of 16 hours per year in instruction on alcohol and drug abuse prevention. (Bickford of Strafford Dist. 10; L. Apple of Merrimack Dist. 9; Drabinowicz of Hillsborough Dist. 32; Spencer of Strafford Dist. 4; Hashem of Strafford Dist. 3 - To Education)

**HR 14**, urging bottlers within the state of New Hampshire to use ecology glass. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HR 15**, urging the United States Congress to allow Regional Bell Operating Companies to promote the use of electronic telephone directories. (Millard of Merrimack Dist. 4 - To State-Federal Relations)

**HBI 1**, equalizing the economic impact of current use taxation. (E. Greene of Rockingham Dist. 18 - To Environment and Agriculture)

**HBI 2**, relating to the taxation of tax exempt property. (Middleton of Sullivan Dist. 6; Daneault of Merrimack Dist. 8 - To Municipal and County Government)

## RECESS

(Speaker Burns in the Chair)

## COMMUNICATION

James Chandler, House Clerk

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council on January 3, 1991.

Grafton District No. 10, Ralph E. Shackett, r, Bristol (46 Upper Branch Drive, Crosswinds) 03222

Sincerely, Karen H. Ladd,  
Assistant Secretary of State

**COMMITTEE CHANGE**

Rep. Donald P. Pageotte off Resources, Recreation and Development  
on Public Protection and Veterans Affairs

**RECESS**

Rep. C. Dana Christy moved that the House adjourn.  
Adopted.

**HOUSE JOURNAL No. 4**

Tuesday, February 5, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

The Speaker introduced Reverend Henry A. Beairsto of Barnstead, the choice of the Chaplain Committee for the 1991 Session, who offered the prayer.

All gracious and loving God, who created us to serve You and to serve one another, grant us thankfulness for the opportunity to serve in this House of Representatives, patience in our dealings with others, openness in our deliberations, and wisdom in our decisions. Amen.

Rep. Reidy led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Joyce Johnson, Lynch, Domini, Schneiderat, William McCann and David Young (military service), the day, important business.

Reps. Jelley, Irene Pratt, Hoelzel, Amanda Merrill, Palazzo, Eunice Campbell, Bernard, Parr and Rosencrantz, the day, illness.

Rep. Crotty, the day, death in the family.

Reps. Warburton and Chasse the day, illness in the family.

**HOUSE RESOLUTION NO. 12****PETITION**

The State of New Hampshire, House of Representatives

In re Gregory Janas, Hillsborough 39

Petition pursuant to New Hampshire Constitution Part 2, Article 22

NOW COMES Norma Champagne of 114 Hudson Street, Manchester, New Hampshire 03103 and complains against Gregory Janas of 1010 Page Street, Manchester, New Hampshire 03104 and says:

1. That Gregory Janas was a candidate for the House of Representatives from Hillsborough 39, Ward 6, Manchester, New Hampshire in the election held November 6, 1990;

2. That Gregory Janas was declared the winner of the seat;

3. That Norma Champagne, also a candidate for the same seat, requested a recount;

4. Following the recount and a subsequent appeal to the Ballot Law Commission, the Ballot Law Commission ordered that the election ended in a tie;

5. That Mr. Janas has already been sworn in as a member of the House of Representatives; and

6. That Mr. Janas should not remain seated because he did not win the Hillsborough 39 election.

WHEREFORE, The Petitioner prays the House of Representatives pursuant to its power granted in the New Hampshire Constitution Part 2, Article 22 as judge of the returns, elections and qualifications of its members to:

A. Declare that Gregory Janas did not win the Hillsborough 39 election;

B. In the alternative, declare both Gregory Janas and Norma Champagne the winners of the Hillsborough 39 race and allow them to share the seat, with each representative having one half of one vote;

C. In the alternative, declare a vacancy in the Hillsborough 39 seat and order a new election to fill same; and

D. Declare such other and further relief as may be just and equitable.

Respectfully submitted,  
Norma Champagne,  
by her attorneys,  
Roussos, Hage & Hodes, PA,  
Paul J. Alfano, Esquire  
1855 Elm Street, Manchester, NH 03104

The Speaker referred the petition to the Subcommittee on Elections.

### RESIGNATION

Harold W. Burns, Speaker

Please accept my resignation effective midnight, February 5, 1991. The purpose of this is so my district may declare this seat open and a new representative elected as soon as possible.

Sincerely, William Gregorio,  
Rockingham, Dist. 5

### INTRODUCTION OF GUESTS

Greta Whittemore, wife of Rep. Whittemore. Helen Holbrook, wife of Rep. Holbrook. Joe Garnett, guest of Rep. Buckley. Gordon Upton and Barlow Cutter, husband and guest of Rep. Upton. Chris Berwind, Chris Garos, Zoe Hallowell, Eric Marshall, Ted Platt and Abbie Stevenson, guests of Rep. Burns. Former Rep. Roland Morrisette and John Smart, adjutant of the New Hampshire VFW, guests of Rep. Lefebvre. Alice Waible, guest of and recently betrothed to Rep. Stephen Burke.

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**CACR 1**, relating to initiative petitions. Providing that referenda to amend the constitution and to enact laws may be initiated by petitions, was removed at the request of Rep. Flanagan.

**HB 110-FN**, increasing the fees for licenses to carry loaded pistols and revolvers, was removed at the request of Rep. Lawrence Chase.

Consent Calendar adopted.

**HB 160-FN**, requiring persons 14 years of age or older who are charged with certain crimes to be tried as adults. **INEXPEDIENT TO LEGISLATE.**

The Committee is sympathetic to the problems expressed by the sponsors. However, the Committee believes recent changes in the law regarding certification of juveniles already answers the problems expressed. Juveniles aged 15-17 may be certified now as adults for a felony. Juveniles 13 and 14 may be certified as adults for certain crimes, i.e. murder. Vote 12-0. Rep. Ellen-Ann Robinson for Children, Youth and Juvenile Justice

**HB 234-FN**, requiring grandparents to financially support their daughter's illegitimate children until the illegitimate child is 18 years of age. **INEXPEDIENT TO LEGISLATE.**

This bill presents several biased and discriminatory actions that raise many serious constitutional questions. It also would counter existing insurance laws regarding second generation (grandchild) coverages. For these and numerous other reasons this bill is Inexpedient to Legislate. Vote 12-0. Rep. Juanita L. Bell for Children, Youth and Juvenile Justice.



**HB 101-FN**, relative to metered motor fuel deliveries. INEXPEDIENT TO LEGISLATE.

Testimony from fuel distributors showed no problems in the situation the bill addressed. Testimony from the Agriculture Department, which does the testing shows no problem. The sponsor of the bill did not appear to give testimony, although notified of the hearing in progress. Vote 11-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

**HB 103**, relative to the time period for perfection of a purchase money security interest under the uniform commercial code. OUGHT TO PASS.

This bill changes the period allowed to file liens on paper covering purchases other than real estate and motor vehicles from 10 days to 20 days. The Uniform Commercial Code covers these transactions. No one appeared in opposition to this bill. Vote 13-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

**HB 135**, relative to the term of office for county sheriffs. INEXPEDIENT TO LEGISLATE.

The Committee did not see the need for sheriffs to be elected to four-year terms while all similar county or state positions are elected for two years. Vote 15-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

**HB 147**, relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates. OUGHT TO PASS.

House Bill 147 amends the forms used for declarations of candidacy, primary petitions and affidavits for qualifications of candidates. The bill requires a candidate to declare he is not a candidate for incompatible office or a federal employee. This section of the law may have to be rewritten upon pending revision of the Hatch Act. Vote 14-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

**HB 113**, relative to weighted voting in school administrative unit affairs. OUGHT TO PASS.

This bill is the result of interim study of House Bill 1135 in the 1990 session. It is a much more equitable measure and it will not change the number of votes in a School Advisory Unit. The formula would be changed from the number of teachers to the number of students in each district sent to the SAU. Also, it will take the vote of the majority to call for a weighted vote to prevent any abuses. It is a much fairer method. Vote 17-0. Rep. John J. Laurent for Education.

**HB 117-FN**, relative to housekeeping changes in the weights and measures laws. OUGHT TO PASS.

This bill, requested by the Department of Agriculture, makes three changes to existing law. First, the archaic procedure of requiring the State's standard used in weights and measures will not have to be submitted to the federal government for certification. Second, the Commissioner is authorized to adopt rules pursuant to RSA 541-A in order to enforce this chapter. Commercial device owners and users, and servicemen who are already regulated, are added specifically to the statute. Finally, the bill requires annual tests of standards rather than on a 5 year and 2 year basis. Vote 17-0. Rep. Rick A. Trombly for Environment and Agriculture.

**HB 124**, relative to liability of corporate officers. INEXPEDIENT TO LEGISLATE.

The Committee felt strongly that this bill eliminates the purpose of forming corporations in the first place, i.e. sharing liability; that the sponsor's stated purpose is presently covered under existing criminal law and that the results of passage would be

contrary to the purpose of much of the tort reform legislation in the past several sessions of the General Court. Vote 15-0. Rep. Robert A. Lockwood for Judiciary.

**HB 108.** prohibiting the legislature from clearing title to a deed through legislation. INEXPEDIENT TO LEGISLATE.

While the Committee is sympathetic towards the intent of this legislation, the Committee finds the bill would not serve its intended purpose. Future legislatures could clear title, this bill notwithstanding. RSA 162-C:2, VII refers to the process whereby the State disposes of real estate through the Council on Resources and Development (CORD). The CORD is composed of state department heads to ensure that no important state need is overlooked prior to disposal.

There are three regular methods to clear title, i.e., deed, probate court, or superior court. These are used in the overwhelming majority of cases. In that rare case where legislative action is needed, there must be a preponderance of evidence to justify legislative action. If that were the case, then this bill would have no effect. Vote 17-0. Rep. Kenneth L. Weyler for Municipal and County Government.

**HB 120.** to standardize the use of tax exemptions and tax credits for property tax purposes. OUGHT TO PASS WITH AMENDMENT.

Legislation dealing with various property tax exemptions or credits has used the terms exemption and credit more or less interchangeably - thus leading to confusion at the local level. This clarifies that a credit means the amount of money to be deducted from a tax bill and an exemption means the amount deducted from the assessed valuation. The bill makes no other change in law. All testimony was favorable. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

#### Amendment

Amend RSA 72:29, II as inserted by section 9 of the bill by replacing it with the following:

II. The term "residential real estate" for the purposes of [sections 28 to 34] *RSA 72:28-34*, inclusive, shall mean the real estate which the person qualified for an exemption *or a tax credit* thereunder occupies as his principal place of abode together with any land or buildings appurtenant thereto and shall include [a house trailer] *manufactured housing* if used for said purpose.

Amend RSA 72:29, III as inserted by section 10 of the bill by replacing it with the following:

III. "Exemption" as used in RSA 72 shall mean the amount of money to be deducted from the assessed valuation, *for property tax purposes*, of real property.

Amend RSA 72:35, II as inserted by section 17 of the bill by replacing it with the following:

II. The [exemptions] *tax credit* in paragraph I may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The [exemption] *tax credit* may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

Amend RSA 72:35, IV(b) as inserted by section 17 of the bill by replacing it with the following:

(b) The [exemptions] *tax credit* in subparagraph (a) may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The [exemption] *tax credit* may be applied to *the taxes due on* any land or buildings appurtenant to the residence or to manufactured housing, if that is the principal place of abode.

Amend the bill by replacing sections 20-31 with the following:

20 Wording of Question to Adopt Exemption for the Blind. Amend RSA 72:36-b, 1(c) to read as follows:

(c) The wording of the question shall be: "Shall we adopt the provisions of RSA 72:37 for the exemption for the blind from [property tax] *the assessed value of residential real estate for property tax purposes*? This statute provides that every inhabitant who is legally blind shall be exempt each year, *for property tax purposes*, from the [property tax] *assessed value* on a residence to the value of \$15,000"

21 Exemption for the Blind from Assessed Value. Amend RSA 72:37 to read as follows:

72:37 Exemption for the Blind. Every inhabitant who is legally blind as determined by the blind services department of the vocational rehabilitation division of the education department shall be exempt each year [from taxation upon] *on the assessed value, for property tax purposes, of* his or her residential real estate to the value of \$15,000. The term "residential real estate" as used in this section shall mean the same as defined in RSA 72:29. All applications made under this section shall be subject to the provisions of RSA 72:33 and RSA 72:34.

22 Exemption for the Physically Disabled from Assessed Value. Amend RSA 72:37-a, II to read as follows:

II. Every owner of residential real estate upon which he resides, and to which he has made improvements for the purpose of assisting a person with a disability who also resides on such real estate, is each year entitled to an exemption from [taxation] *the assessed value, for property tax purposes*, upon such residential real estate determined by deducting the value of such improvements from the assessed value of the residential real estate before determining the taxes upon such real estate.

23 Exemption for Persons 68 Years or Over. Amend the introductory paragraph of RSA 72:39 to read as follows:

Residential real estate, as defined by RSA 72:29, II, to the assessed value of \$5,000 shall be exempt, *for property tax purposes*, [from taxation] provided it is:

24 Exemption on Real Estate Owned by the Elderly. Amend the introductory paragraph of RSA 72:43-b, I to read as follows:

I. *The assessed value of* residential real estate, as defined by RSA 72:29, II, shall be exempt [from taxation], *for property tax purposes*, as specified in subparagraphs (a), (b) or (c) as follows:

25 Amount of Adjusted Elderly Exemption. Amend the introductory paragraph of RSA 72:43-f, I to read as follows:

I. *The assessed value of* residential real estate, as defined by RSA 72:29, II, which meets the requirements of paragraph II and whose owner qualifies under RSA 72:43-g shall be exempt [from tax], *for property tax purposes*, in the following amounts:

26 Exemption for Solar Energy Systems. Amend RSA 72:62 to read as follows:

72:62 [Property Tax] Exemption *for Solar Energy Systems*. Each city and town may adopt under RSA 72:63 an exemption from the [property tax] *assessed value, for*

*property tax purposes*, for persons owning real property which is equipped with a solar energy heating or cooling system.

27 Wording of the Question for Adopting Solar Exemption. Amend RSA 72:63, I(c) to read as follows:

(c) The wording on the ballot of any referendum for the adoption of RSA 72:62 shall be as follows: "Shall we adopt the provisions of RSA 72:62 for [a property tax] *an exemption [on] for property tax purposes from the assessed value of* real property equipped with a solar energy heating or cooling system which exemption shall be in an amount .....?" The amount of the exemption or the manner of its determination shall be included in the written application of the voters presented under RSA 39:3 and shall be inserted in the question on the referendum where the blank appears above.

28 Exemption for Wind-Powered Energy Systems. Amend RSA 72:66 to read as follows:

72:66 [Property Tax] Exemption *for Wind-Powered Energy Systems*. Each city and town may adopt under RSA 72:67 an exemption from the [property tax] *assessed value, for property tax purposes*, for persons owning real property which is equipped with a wind-powered energy system.

29 Wording of the Question for Adopting Exemption for Wind-Powered Energy Systems. Amend RSA 72:67, I(c) to read as follows:

(c) The wording on the ballot of any referendum for the adoption of RSA 72:62 shall be as follows: "Shall we adopt the provisions of RSA 72:62 for [a property tax] *an exemption [on] from the assessed value, for property tax purposes, of* real property equipped with a solar energy heating or cooling system which exemption shall be in an amount .....?" The amount of the exemption or the manner of its determination shall be included in the written application of the voters presented under RSA 39:3 and shall be inserted in the question on the referendum where the blank appears above.

30 Exemption for Woodheating Energy Systems. Amend RSA 72:70 to read as follows:

72:70 [Property Tax] Exemption *for Woodheating Energy Systems*. Each city and town may adopt under RSA 72:71 an exemption from the [property tax of] *assessed value, for property tax purposes, for* persons owning real property which is equipped with a woodheating energy system.

31 Wording of the Question for Adopting Woodheating Energy System Exemption. Amend RSA 72:71, I(c) to read as follows:

(c) The wording on the ballot of any referendum for the adoption of RSA 72:70 shall be as follows: "Shall we adopt the provisions of RSA 72:70 for [a property tax] *an exemption [on] from the assessed value, for property tax purposes, of* real property equipped with a wood heating energy system which exemption shall be in an amount.....?" The amount of the exemption or the manner of its determination shall be included in the written application of the voters presented under RSA 39:3 and shall be inserted in the question on the referendum where the blank appears above.



### AMENDED ANALYSIS

This bill provides that for existing property tax exemption purposes, an "exemption" shall mean the amount of money to be deducted from the assessed valuation of real property, for property tax purposes, and a "tax credit" shall mean the amount of money to be deducted from the property tax bill.

This bill amends the existing property tax exemptions to make this distinction.

The bill was requested by the department of revenue administration.

**HB 134-FN**, relative to convening county charter commissions. **INEXPEDIENT TO LEGISLATE.**

Although the Committee felt the intent of the legislation has merit, other vehicles should be considered to convene county charter commissions. This issue requires more research and study. Also, the Committee questioned the proposed change meeting the requirement of the "one man, one vote" rule. Vote 17-0. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 116**, relative to a definition of active military service in relation to representatives and senators. **OUGHT TO PASS WITH AMENDMENT.**

This legislation clarifies the term "active military service" as contained in Art. 95 Part II of the New Hampshire Constitution. "Active military service" shall not include duty with United States Reserve or National Guard units which have been activated by an emergency presidential order. The benefit of this legislation would be that communities would not lose the services of elected legislators who are members of such units. Vote 17-0. Rep. Thomas J. Christie for Public Protection and Veterans Affairs.

### Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Definition of Active Military Service. Amend RSA 21 by inserting after section 48 the following new section:

21:49 Active Military Service. For the purposes of article 95 of part II of the constitution of the state of New Hampshire, "active military service" shall not include any service by a United States military reserve or national guard unit called forth on an emergency by a presidential executive order.

### AMENDED ANALYSIS

This bill defines "active military service," as it concerns the capability of a person to serve in certain state offices, as not including service in a United States military reserve unit called forth on an emergency by executive order.

**HB 131-FN**, relative to liability for acts which create situations requiring unnecessary emergency responses. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 131 amends RSA 151-B:19 enacted during the last session to allow cities and towns to recover costs incurred by emergency responses to situations created through negligent or reckless behavior.

It allows similar actions by juveniles to be recoverable in a manner subject to the limits and provisions imposed in RSA 169-B:45, II-V.

The amendment changes the restrictive "SHALL" to a more permissive "MAY" in order to allow the court discretion in determining the issue. Vote 16-0. Rep. David A. Welch for Public Protection and Veterans Affairs.



### Amendment

Amend RSA 151-B:19, I(c) as inserted by section 1 of the bill by replacing it with the following:

*(c) Recklessly or intentionally creates a situation requiring an emergency response.*

Amend RSA 151-B:19, III as inserted by section 2 of the bill by replacing it with the following:

III. A parent or legal guardian may be held responsible for the liability of a minor under this subdivision subject to the same limits and provisions as imposed in RSA 169-B:45, II-V.

### AMENDED ANALYSIS

This bill permits persons, including juveniles and their parents, to be held liable for recklessly or intentionally creating situations requiring emergency responses.

**HB 181-FN**, relative to transportation of a ward committed to New Hampshire hospital. INEXPEDIENT TO LEGISLATE.

House Bill 181 would require any law enforcement officer to transport a ward to New Hampshire Hospital when committed to same. Currently, the Hospital Security Staff performs this task. There was no information presented as to number of such transports during the fiscal year, nor were costs of providing such a service addressed in the bill. The Committee felt that this would not be consistent with New Hampshire Constitution Art. 28-a which prohibits mandating costs from the state to other political subdivisions. Vote 17-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

**HB 119-FN**, relative to bottled water. INEXPEDIENT TO LEGISLATE.

This legislation would require bottled water sold in New Hampshire to be labeled and classified by source, mineral content, carbonation, and chemical content. Testimony from the Division of Public Health Services indicates that these requirements will be included in rules that will be published in the near future. Given their inclusion in rules, the Committee found the legislation duplicative and thus unnecessary at this time. Vote 15-0. Rep. Steven R. Maviglio for Resources, Recreation and Development.

**HB 144-FN**, exempting municipalities from annual dam registration and classification fees and eliminating registration fees for class AA dams. INEXPEDIENT TO LEGISLATE.

The proposed legislation, to exempt municipalities from registration and classification fees for dams of all hazard potential classifications, cannot be justified at this time as a matter of policy. Dams owned by municipalities must be inspected to the same extent as comparable privately-owned dams, and the local community does benefit from the state's service. The loss in state revenues, if this bill were passed, would be substantial. The subject of registration fees for class AA dams is addressed in a separate piece of legislation. Vote 15-0. Rep. Carol M. Stamatakis for Resources, Recreation and Development.

### REGULAR CALENDAR

**HB 50-FN-A**, relative to state revenue and expenditures. OUGHT TO PASS WITH AMENDMENT.

This bill contains \$33 million to fund current obligations of the state. It also contains \$30 million in revenue adjustments to help meet those obligations. This bill, in

conjunction with another bill brought in by Ways and Means, should bring the state to a balanced budget status by the end of fiscal year 1991 on June 30. This bill will be explained in detail on the House floor. Vote 13-8. Rep. Elizabeth S. Hager for Appropriations.

Reps. Hager and Sytek spoke to the bill and yielded to questions.

### **LAID ON THE TABLE**

Rep. Ann Torr moved that HB 50 be laid on the table.  
Adopted.

### **SUSPENSION OF RULES**

Reps. Gross and Chambers moved that the rules be so far suspended as to permit introduction, consideration and final passage at the present time of HCR 4, supporting the U.S. troops in the Persian Gulf.

Rep. Gross spoke to the motion.

Adopted by the necessary two-thirds.

### **INTRODUCTION OF HCR**

#### **First, second reading and referral**

**HCR 4**, supporting the U.S. troops in the Persian Gulf. (Burns of Coos Dist. 5; Gross of Merrimack Dist. 16; Chambers of Grafton Dist. 12; Dupont of Dist. 6; Delahunty of Dist. 22; Disnard of Dist. 8 - To State-Federal Relations)

Adopted.

#### **Third reading and final passage**

**HCR 4**, supporting the U.S. troops in the Persian Gulf

### **REGULAR CALENDAR (continued)**

**HB 102**, relative to a state budget spending cap. **INEXPEDIENT TO LEGISLATE**.

While the Committee believes the intent of the sponsors was sincere in light of the state's financial condition, the majority believed that this is a flawed approach toward sound fiscal management. It allows no flexibility until at least one year after a more desirable fiscal condition is reached. Vote 18-1. Rep. Raymond Buckley for Appropriations.

Adopted.

**HB 109-FN**, relative to ballots for districts which elect more than one state representative. **INEXPEDIENT TO LEGISLATE**.

The Committee felt it unnecessary to change the ballot as the sponsor intended; that the effect of the proposed change would be unfair to candidates from small communities. Vote 13-1. Rep. Gary R. Gilmore for Constitutional and Statutory Revision.

Adopted.

**HB 140-FN**, allowing 18-year-old students to register to vote at high schools. **INEXPEDIENT TO LEGISLATE**.

This bill is already in the statutes. The Committee feels it is up to the individual schools to plan programs. Vote 9-5. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Adopted.

**HB 51-FN**, relative to determining employer contribution rates in the New Hampshire retirement system, eliminating the "special account" as a means of funding cost of living adjustments, and providing limited cost of living adjustments. **OUGHT TO PASS WITH AMENDMENT**.

This is a temporary basis for one year while we deliberate a fair and equitable solution to propose for the 1992 session of the Legislature. During this year all retirees will receive their basic monthly check and will continue to receive all the current benefits paid through the Special Account. The Committee amendment appropriates \$100,000 of Retirement System funds for the study committee. A fiscal note is being prepared. Vote 17-1. Rep. Kathleen W. Ward for Executive Departments and Administration.

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the normal contribution rate for retirement  
system members and establishing a committee  
to study retirement system benefits and  
making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Normal Contribution Rate for Fiscal Year Ending June 30, 1992. Notwithstanding any other provisions of law to the contrary, for the fiscal year ending June 30, 1992:

I. The normal contribution rates for each member classification in the New Hampshire retirement system shall be determined using the aggregate funding method reflecting both current and anticipated future members of the retirement system. The actuary, in determining the normal contribution rates, shall employ an interest discount rate of 10 percent, compounded annually, and salary increase assumptions which shall average 7 percent annually.

II. Beginning with the fiscal year ending June 30, 1991, the amount credited annually to the special account, RSA 100-A:16, II(h), shall be determined as follows:

(a) Each component of the special account shall first be credited with all the earnings of that component for the fiscal year.

(b) All of the earnings of the remaining assets of the retirement system in excess of 10 percent shall be allocated to the 4 member classifications.

2 Study Committee Established. There is hereby established a committee to study New Hampshire retirement system benefits.

3 Membership. The committee shall consist of 10 members, as follows:

I. Three members of the house executive departments and administration committee, one of whom shall be the chairman of the committee, appointed by the speaker of the house.

II. Two members of the house appropriations committee, appointed by the speaker of the house.

III. Two members of the senate, appointed by the president of the senate.

IV. One member of the senate executive departments committee, appointed by the president of the senate.

V. Two members of the senate finance committee, appointed by the president of the senate.

4 Study and Report.

I. On or before October 15, 1991, the committee shall report to the president of the senate and the speaker of the house, and shall recommend such legislation as may

be necessary for the 1992 session of the general court concerning the New Hampshire retirement system.

II. Any proposed legislation shall incorporate the results of the committee's study. The committee shall study:

- (a) Funding methodology.
- (b) The defined benefits plan.
- (c) The defined contributions plan.
- (d) Membership eligibility.
- (e) Compensation.
- (f) Income averaging for final compensation purposes.
- (g) The availability and amount of a cost of living adjustment for 1992, based on anticipated funding.

III. The committee shall have full power and authority to require from the several departments, agencies, and officials of the state such information and assistance as it deems necessary.

5 Appropriation. The sum of \$100,000 is hereby appropriated for the fiscal year ending June 30, 1991, from the New Hampshire retirement system administrative account to be expended by the committee established by this act for the purposes of this act. Of this sum, \$40,000 may be expended by the committee without any prior approval, and \$60,000 may only be expended subject to the prior approval of the fiscal committee of the general court.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill changes the way the normal contribution rates for each member classification in the New Hampshire retirement system shall be determined for the fiscal year ending June 30, 1992.

The bill also establishes a committee to study retirement benefits relative to:

- (a) Funding methodology.
- (b) The defined benefits plan.
- (c) The defined contributions plan.
- (d) Membership eligibility.
- (e) Compensation.
- (f) Income averaging for final compensation purposes.
- (g) The availability of a cost of living adjustment for 1992.

The study committee is funded by a \$100,000 appropriation from the retirement system administrative account. Of this sum, \$40,000 may be expended by the committee without any prior approval, and \$60,000 may only be expended subject to the prior approval of the fiscal committee.

Rep. Ward spoke to the amendment and yielded to questions.

Adopted.

Report adopted.

#### SUSPENSION OF RULES

Reps. Gross and Chambers moved that the rules be so far suspended as to permit HB 51 ordered to third reading without referral to Appropriations.

Adopted by the necessary two-thirds

Ordered to third reading.



**Third reading and final passage**

**HB 51-FN**, relative to the normal contribution rate for retirement system members and establishing a committee to study retirement system benefits and making an appropriation therefor.

**REGULAR CALENDAR (continued)**

**HB 129-FN**, relative to monitoring the reassessment of taxable property by the department of revenue administration. **OUGHT TO PASS.**

House Bill 129 intended to reduce the number of appeals for abatements of taxes that come to the Board of Land and Tax Appeals following a reappraisal of taxable property in towns. The bill includes only towns which are ordered by the Board of Land and Tax Appeals to be reappraised and which do not have a qualified appraiser on staff.

The Committee feels that the limited number of BLTA-ordered reappraisals of towns without a qualified assessor, coupled with the limited skilled manpower needs, would not generate such a fiscal impact on the Department of Revenue Administration as stated in the Fiscal Note. In fact the bill could actually reduce state expenditures by reducing the workload on BLTA. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

Ordered to third reading.

**HB 150**, relative to the observance of Memorial Day. **INEXPEDIENT TO LEGISLATE.**

The Committee expressed itself in no uncertain terms as to its opposition to HB 150. One million two hundred thousand Americans who gave their lives in the defense of our country, from Bunker Hill to Baghdad, would not rest easy if Memorial Day were to become a part of a three-day weekend, with emphasis on money, pleasure and convenience, rather than a day of memory and gratitude, based on tradition, honor and respect. Vote 18-0. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

Rep. Hoar moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate.

Reps. Mason, Robinson, Holden, Flynn and Hoar spoke in favor of the motion.

Reps. Fields, Thomas Christie, Welch, Nielsen, Walsh and Benton spoke against the motion.

Rep. Hoar yielded to questions.

Rep. Benton yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 170****NAYS 196****YEAS 170  
BELKNAP**

Bartlett, Gordon E.  
Maviglio, Steven R.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Rice, Thomas E. P., Jr.

Joscelyn, William W.  
Salatiello, Thomas B.

**CARROLL**

Saunders, Howard N.

**CHESHIRE**

Burnham, Daniel M.  
Doucette, Richard F.

Champagne, Richard L.  
Foster, Katherine D.

DePecol, Benjamin J.  
Hogan, James B.

Hunt, John B.  
Pearson, Gertrude B.  
Spear, Susan S.

Kingsbury, H. Thayer  
Perry, David M.

Metzger, Katherine H.  
Riley, William A.

### COOS

Kilbride, Dennis J.

Marsh, Beaton

### GRAFTON

Arnesen, Deborah L.  
Chambers, Mary P.  
Markley, J. Keith  
Scanlan, David M.  
Wadsworth, Karen O.

Bean, Pamela B.  
Copenhaver, Marion L.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Ward, Kathleen W.

Brown, Patricia B.  
Guest, Robert H.  
Nordgren, Sharon L.  
Trelfa, Richard T.

### HILLSBOROUGH

Ackerman, Philip M.  
Amidon, Eleanor H.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Cote, David E.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Gage, Ruth E.  
Green, Scott E.  
Hall, Betty B.  
Janas, Gregory  
Johnson, Lionel W.  
Kelley, Robert N.  
Martin, Mary Ellen  
Moore, Elizabeth A.  
Ouellette, Robert O.  
Pignatelli, Debora B.  
Stiles, Walter A.  
Upton, Barbara A.

Ahrens, Frederick G.  
Andrews, Frederick B.  
Baroody, Benjamin C.  
Clemons, Jane A.  
Desrochers, Gerard T.  
Drolet, Paul L.  
Elliott, Larry G.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Jordan, Mary H.  
Lown, Elizabeth D.  
Mason, Howard F.  
Nardi, Theodora P.  
Perham, Lester R.  
Robinson, Ellen-Ann  
Tarpley, Nancy L.  
White, John M.

Alukonis, David J.  
Baker, George H., Sr.  
Bourque, Ann J.  
Cook, Valerie S.  
Donovan, Francis X.  
Durham, Susan B.  
Ford, Nancy M.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Holden, Carol H.  
Jean, Romeo W.  
Kelley, Dana F.  
Lozeau, Donnalee M.  
Mercer, Robert S.  
O'Rourke, Joanne A.  
Peters, Stanley W.  
Soucy, Donna M.  
Turgeon, Roland M.

### MERRIMACK

Braiterman, Thea  
Fair, Patricia A.  
Hager, Elizabeth S.  
Jacobson, Alf E.  
Lockwood, Robert A.  
Smith, Gerald R.  
Trombly, Rick A.  
Yeaton, Charles B.

Carter, Susan D.  
Fillion, Paul R.  
Hall, Douglas E.  
Johnson, C. William  
Molner, Mary E.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Dunn, Miriam D.  
Gilbreth, Robert M.  
Hayes, Robert C.  
Lewis, Mary Ann  
Nichols, Avis B.  
Teague, Bert  
Weeks, John F., Jr.

### ROCKINGHAM

Bell, Juanita L.  
Clark, Martha Fuller  
Dowd, Sandra K.  
Ford, Bert H.  
Hoar, John, Jr.  
Klemarczyk, Thaddeus E.

Campbell, Marilyn R.  
Coffey, John J.  
Dowling, Patricia A.  
Griebisch, Linda  
Hutchinson, Karen K.  
Lovejoy, Virginia K.

Christie, Andrew, Jr.  
Conroy, Janet M.  
Flanagan, Natalie S.  
Haynes, Richard  
Kane, Cecelia D.  
MacDonald, Joseph A.

Malcolm, Kenneth W.  
McKinney, Betsy  
Senter, Marilyn P.  
Syracusa, Anthony  
Tufts, Arthur

McCain, William F.  
Packard, Sherman A.  
Skinner, Patricia M.  
Sytek, Donna P.  
Vaughn, Charles L.

McGovern, Cynthia A.  
Pantelakos, Laura C.  
Splaine, John E., Sr.  
Terninko, Margaret B.  
Woods, Deborah L.

### STRAFFORD

Brown, Julie M.  
Gilmore, Gary R.  
Jankowski, Peter M.  
Marston, Robert E.  
O'Brien, John  
Wheeler, Katherine W.

Flynn, Edward J.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Martling, W. Kent  
Parks, Joe B.

Foss, Patricia H.  
Hashem, Elaine M.  
Kinney, Paula J.  
Messier, Donald R.  
Wall, Janet G.

### SULLIVAN

Behrens, Thomas A.  
Harland, Jane A.

Burling, Peter Hoe  
Lindblade, Eric N.

Flint, Gordon B.  
Schotanus, Merle W.

### NAYS 196 BELKNAP

Accornero, Harry  
Golden, Paul A.  
Johnson, Carl R.  
Turner, Robert H.

Cain, Thomas G.  
Hawkins, Robert S.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

Dewhirst, Glenn E.  
Holbrook, Robert G.  
Shibley, Arnold P.  
Ziegra, Alice S.

### CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Dickinson, Howard C.  
Jean, Robert R.

### CHESHIRE

Clark, Eugene W.  
Feuer, Joseph N.  
LaMar, David M.  
Sawyer, Alfred P.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.

Crutchley, Donald O.  
Kennison, Wayne A.  
Morse, Jo Ann T.

### COOS

Brungot, Catherine V.  
Guay, Lawrence J.  
Mayhew, Josephine  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Coulombe, Henry W.  
Horton, Lynn C.  
Nelson, Harold D.  
Therault, Romeo J.

### GRAFTON

Adams, Carl S.  
Dow, David  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Whitcomb, Henry F., Jr.

Brown, Channing T.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Shackett, Ralph E.  
White, Paul R.

Christy, C. Dana  
Hill, Richard L.  
Lougee, Richard W.  
Teschner, Douglass P.

### HILLSBOROUGH

Arnold, Barbara E.  
Calawa, Leon, Jr.  
Daniels, Gary L.

Buckley, Raymond  
Cowenhoven, Garret P.  
Desrosiers, William J.

Burke, Stephen J.  
Daigle, Robert A.  
Dodge, Emma M.

Domaingue, Jacquelyn M.  
 Fenton, James J.  
 Fields, Dennis H.  
 Greenglass, Alan B.  
 Hickey, Janet E.  
 King, Frank P.  
 Lachut, Ervin R.  
 Lawrence, Eva M.  
 Lefebvre, Roland J.  
 McNerney, Daniel P.  
 Murphy, Robert E.  
 Pepino, Leo P.  
 Rheault, Lillian I.  
 Sallada, Roland A.  
 Steiner, Lee Anne  
 Wheeler, David K.

Dyer, Merton S.  
 Ferguson, Charles  
 Gagnon, Gabrielle V.  
 Healy, Daniel J.  
 Hultgren, David D.  
 Kurk, Neal M.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 McCann, Bonnie Lou  
 McRae, Karen K.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Riley, Frances L.  
 Searles, Stanley N., Sr.  
 Tate, Joan C.  
 Wheeler, Robert L.

Emerton, Lawrence A.  
 Ferlan, Arthur P.  
 Gosselin, Gerald O.  
 Healy, Walter F.  
 Keane, Cornelius J.  
 L'Heureux, Robert J.  
 Laughlin, J. Francis  
 Leclerc, Charles J.  
 McDowell, James E.  
 Messier, Irene M.  
 Paquette, Rodolphe G.  
 Reidy, Frank J.  
 Rothhaus, Finlay C.  
 Smith, Leonard A.  
 Vanderlosk, Stanley R.  
 Wright, George W.

### MERRIMACK

Anderson, Eleanor M.  
 Barberia, Richard A.  
 Chandler, John P.  
 Feuerstein, Martin  
 Holmes, Mary C.  
 Millard, Elizabeth S.  
 Whittemore, James A.

Apple, Lowell D.  
 Boucher, Laurent J.  
 Christie, Thomas J.  
 Gross, Caroline L.  
 Kidder, William F.  
 Stapleton, Henry F.

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Daneault, Gabriel J.  
 Hill, Michael J.  
 Letourneau, George E.  
 Stio, Peter M.

### ROCKINGHAM

Barnes, John S., Jr.  
 Brown, Jeffrey M.  
 Chase, Lawrence A., Jr.  
 Cooke, Annette M.  
 Drake, Herbert R.  
 Flanders, David A.  
 Gage, Beverly A.  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 McCarthy, John J., Jr.  
 Rubin, George R.  
 Seward, Russell G.  
 Thayer, Leroy C.

Benton, Richardson D.  
 Bucu, Stephen W.  
 Chulack, Peter G., Sr.  
 Cote, Patricia L.  
 Dube, LeRoy S.  
 Flanders, Harry E.  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 MacKinnon, Nancy W.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Welch, David A.

Boucher, William P.  
 Caswell, Albert, Jr.  
 Connell, David R.  
 DiPietro, Carmela M.  
 Falwell, Robert V.  
 Flanders, John W., Sr.  
 Hynes, Carolyn E.  
 Keith, Brenda E.  
 Magoon, Harold F.  
 Roulston, Donald L.  
 Schmidtchen, Rowland H.  
 Smith, Arthur W.  
 Weyler, Kenneth L.

### STRAFFORD

Appleby, James E.  
 Douglass, Clyde J.  
 Nehring, William H.  
 Spencer, Leo J.  
 Tsiros, William

Bickford, Drucilla  
 Frechette, Roland A.  
 Pageotte, Donald P.  
 Sullivan, Henry P.  
 Vincent, Francis C.

Corte, Arthur B.  
 Kincaid, William K.  
 Pelley, Janet R.  
 Torr, Ann M.  
 Young, John B.



**SULLIVAN**

Allison, David C.  
 Peyron, Fredrik  
 Walsh, Robert R.

Krueger, Richard H.  
 Rodeschin, Beverly T.

Middleton, John A.  
 Stamatakis, Carol M.

and the motion lost.  
 Report adopted.

**CACR 1**, relating to initiative petitions. Providing that referenda to amend the constitution and to enact laws may be initiated by petitions. **INEXPEDIENT TO LEGISLATE.**

This Constitutional Amendment Concurrent Resolution has been a perennial one, having been brought up six times in a dozen years. The major reason for the opposition to initiative petitions is that in New Hampshire, a small state with a large legislative body, an ordinary citizen has an opportunity to voice his/her opinion in hearings. Vote 13-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

Rep. Flanagan spoke to the report.  
 Adopted.

**HB 110-FN**, increasing the fees for licenses to carry loaded pistols and revolvers. **INEXPEDIENT TO LEGISLATE.**

The content of this bill will be considered with other legislation on the subject of handgun permits, etc. Vote 16-0. Rep. Francis C. Vincent for Public Protection and Veterans Affairs.

Rep. Lawrence Chase moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Vincent, Feuer and Benton spoke against.  
 Reps. Vincent and Benton yielded to questions.  
 Roll call request sufficiently seconded.  
 The question being on the substitute motion.

**YEAS 68****NAYS 295****YEAS 68  
BELKNAP**

Salatiello, Thomas B.

**CARROLL**

Bradley, Jeb E.

Saunders, Howard N.

**CHESHIRE**

Burnham, Daniel M.  
 Metzger, Katherine H.

Foster, Katherine D.  
 Morse, Jo Ann T.

Hogan, James B.  
 Pearson, Gertrude B.

**COOS**

Buckley, C. Fitzgerald

**GRAFTON**

Arnesen, Deborah L.  
 Nordgren, Sharon L.

Copenhaver, Marion L.  
 Ward, Kathleen W.

Guest, Robert H.

**HILLSBOROUGH**

Baker, George H., Sr.  
 Clemons, Jane A.  
 Ferlan, Arthur P.  
 Hall, Betty B.

Baldizar, Barbara J.  
 Cote, David E.  
 Green, Scott E.  
 Jasper, Shawn N.

Buckley, Raymond  
 Emerton, Lawrence A.  
 Haettenschwiller, Alphonse  
 Jordan, Mary H.

Martin, Mary Ellen  
Reidy, Frank J.  
White, John M.

Nardi, Theodora P.  
Rheault, Lillian I.

O'Rourke, Joanne A.  
Robinson, Ellen-Ann

### MERRIMACK

Carter, Susan D.  
Jacobson, Alf E.  
Weeks, John F., Jr.

Dunn, Miriam D.  
Millard, Elizabeth S.  
Yeaton, Charles B.

Hall, Douglas E.  
Molner, Mary E.

### ROCKINGHAM

Campbell, Marilyn R.  
Hynes, Carolyn E.  
Malcolm, Kenneth W.  
Melnick, Roy E.  
Vaughn, Charles L.

Chase, Lawrence A., Jr.  
Kane, Cecelia D.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Weyler, Kenneth L.

Clark, Martha Fuller  
Lovejoy, Virginia K.  
McKinney, Betsy  
Splaine, John E., Sr.

### STRAFFORD

Gilmore, Gary R.  
Keans, Sandra B.  
Spencer, Leo J.

Hambrick, Patricia A.  
Marston, Robert E.  
Wheeler, Katherine W.

Jankowski, Peter M.  
Parks, Joe B.

### SULLIVAN

Allison, David C.  
Lindblade, Eric N.

Burling, Peter Hoe

Harland, Jane A.

### NAYS 295

### BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Hawkins, Robert S.  
Joscelyn, William W.  
Rosen, Ralph J.  
Vogler, Charles C.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Cain, Thomas G.  
Golden, Paul A.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.  
Ziegler, Alice S.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

Beach, Mildred A.  
Dickinson, Howard C.  
Jean, Robert R.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

### CHESHIRE

Champagne, Richard L.  
Crutchley, Donald O.  
Feuer, Joseph N.  
Kennison, Wayne A.  
Laurent, John J.  
Sawyer, Alfred P.

Clark, Eugene W.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Perry, David M.  
Spear, Susan S.

Cole, Stacey W.  
Doucette, Richard F.  
Hunt, John B.  
LaMar, David M.  
Riley, William A.

### COOS

Brungot, Catherine V.  
Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.  
Therault, Romeo J.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Pratt, Leighton C.

**GRAFTON**

|                       |                        |                         |
|-----------------------|------------------------|-------------------------|
| Adams, Carl S.        | Bean, Pamela B.        | Brown, Channing T.      |
| Brown, Patricia B.    | Chambers, Mary P.      | Christy, C. Dana        |
| Dow, David            | Driscoll, William J.   | Hill, Richard L.        |
| Larson, Nils H., Jr.  | Lougee, Richard W.     | Markley, J. Keith       |
| McIlwaine, Deborah P. | Nielsen, Niels F., Jr. | Scanlan, David M.       |
| Shackett, Ralph E.    | Stewart, Roger D.      | Teschner, Douglass P.   |
| Trelfa, Richard T.    | Wadsworth, Karen O.    | Whitcomb, Henry F., Jr. |
| White, Paul R.        |                        |                         |

**HILLSBOROUGH**

|                         |                        |                          |
|-------------------------|------------------------|--------------------------|
| Ackerman, Philip M.     | Ahrens, Frederick G.   | Alukonis, David J.       |
| Amidon, Eleanor H.      | Andrews, Frederick B.  | Arnold, Barbara E.       |
| Baroody, Benjamin C.    | Bourque, Ann J.        | Bowers, Dorothy C.       |
| Burke, Stephen J.       | Calawa, Leon, Jr.      | Cook, Valerie S.         |
| Cowenhoven, Garret P.   | Daigle, Robert A.      | Daniels, Gary L.         |
| Desrochers, Gerard T.   | Desrosiers, William J. | Dodge, Emma M.           |
| Domaingue, Jacquelyn M. | Donovan, Francis X.    | Drabinowicz, A. Theresa  |
| Drolet, Paul L.         | Durham, Susan B.       | Dwyer, Patricia R.       |
| Dyer, Merton S.         | Elliott, Larry G.      | Fenton, James J.         |
| Ferguson, Charles       | Fields, Dennis H.      | Ford, Nancy M.           |
| Gage, Ruth E.           | Gagnon, Eugene L.      | Gagnon, Gabrielle V.     |
| Gosselin, Gerald O.     | Goulet, Maurice E.     | Greenglass, Alan B.      |
| Gureckis, Adam C., Sr.  | Hanselman, Gregory L.  | Healy, Daniel J.         |
| Healy, Walter F.        | Hickey, Janet E.       | Holden, Carol H.         |
| Hultgren, David D.      | Janas, Gregory         | Jean, Romeo W.           |
| Johnson, Lionel W.      | Keane, Cornelius J.    | Kelley, Robert N.        |
| King, Frank P.          | Kurk, Neal M.          | L'Heureux, Robert J.     |
| Lachut, Ervin R.        | Larochelle, Roger B.   | Laughlin, J. Francis     |
| Lawrence, Eva M.        | Lawrence, Norman B.    | Leclerc, Charles J.      |
| Lefebvre, Roland J.     | Lown, Elizabeth D.     | Lozeau, Donnalce M.      |
| Mason, Howard F.        | McCann, Bonnie Lou     | McDowell, James E.       |
| McNerney, Daniel P.     | McRae, Karen K.        | Mercer, Robert S.        |
| Messier, Irene M.       | Moore, Elizabeth A.    | Murphy, Robert E.        |
| Ouellette, Robert O.    | Packard, Bonnie B.     | Paquette, Rodolphe G.    |
| Pepino, Leo P.          | Perham, Lester R.      | Peters, Stanley W.       |
| Pignatelli, Debora B.   | Record, Alice B.       | Riley, Frances L.        |
| Rothhaus, Finlay C.     | Sallada, Roland A.     | Searles, Stanley N., Sr. |
| Smith, Leonard A.       | Soucy, Donna M.        | Steiner, Lee Anne        |
| Stiles, Walter A.       | Tarpley, Nancy L.      | Tate, Joan C.            |
| Turgeon, Roland M.      | Upton, Barbara A.      | Vanderlosk, Stanley R.   |
| Wheeler, David K.       | Wheeler, Robert L.     | Wihby, Linda S.          |
| Wright, George W.       |                        |                          |

**MERRIMACK**

|                      |                     |                      |
|----------------------|---------------------|----------------------|
| Anderson, Eleanor M. | Apple, Lowell D.    | Barberia, Richard A. |
| Boucher, Laurent J.  | Braiterman, Thea    | Chandler, Earle W.   |
| Chandler, John P.    | Christie, Thomas J. | Daneault, Gabriel J. |
| Fair, Patricia A.    | Feuerstein, Martin  | Fillion, Paul R.     |
| Gilbreth, Robert M.  | Gross, Caroline L.  | Hager, Elizabeth S.  |

Hayes, Robert C.  
 Johnson, C. William  
 Lewis, Mary Ann  
 Smith, Gerald R.  
 Stio, Peter M.  
 Wallner, Mary Jane

Hill, Michael J.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Soldati, Jennifer G.  
 Teague, Bert  
 Whittemore, James A.

Holmes, Mary C.  
 Letourneau, George E.  
 Nichols, Avis B.  
 Stapleton, Henry F.  
 Trombly, Rick A.

### ROCKINGHAM

Barnes, John S., Jr.  
 Boucher, William P.  
 Caswell, Albert, Jr.  
 Coffey, John J.  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Dube, LeRoy S.  
 Flanders, David A.  
 Ford, Bert H.  
 Haynes, Richard  
 Hutchinson, Karen K.  
 Keith, Brenda E.  
 MacDonald, Joseph A.  
 McCain, William F.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Seward, Russell G.  
 Smith, Arthur W.  
 Terninko, Margaret B.  
 Welch, David A.

Bell, Juanita L.  
 Brown, Jeffrey M.  
 Christie, Andrew, Jr.  
 Connell, David R.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Falwell, Robert V.  
 Flanders, Harry E.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McCarthy, John J., Jr.  
 Roulston, Donald L.  
 Schmidtchen, Rowland H.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Thayer, Leroy C.  
 Woods, Deborah L.

Benton, Richardson D.  
 Bucu, Stephen W.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Griebesch, Linda  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 Packard, Sherman A.  
 Rubin, George R.  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Tufts, Arthur

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Frechette, Roland A.  
 Kinney, Paula J.  
 Nehring, William H.  
 Sullivan, Henry P.  
 Vincent, Francis C.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Hashem, Elaine M.  
 Martling, W. Kent  
 Pageotte, Donald P.  
 Torr, Ann M.  
 Wall, Janet G.

Brown, Julie M.  
 Flynn, Edward J.  
 Kincaid, William K.  
 Messier, Donald R.  
 Pelley, Janet R.  
 Tsiros, William  
 Young, John B.

### SULLIVAN

Behrens, Thomas A.  
 Middleton, John A.  
 Schotanus, Merle W.  
 and the motion lost.  
 Report adopted.

Flint, Gordon B.  
 Peyron, Fredrik  
 Stamatakis, Carol M.

Krueger, Richard H.  
 Rodeschin, Beverly T.  
 Walsh, Robert R.

The Rules Committee offered the following:

### HOUSE RESOLUTION NO. 16

amending House Rules for the 1991 Session.



Amend Rule 5 to read as follows:

5. The Speaker shall not be called upon to vote unless his vote would be decisive. If the vote is tied after the Speaker has voted, the question shall be lost as provided in Rule 22.

Amend Rule 24 on Reconsideration as follows:

Combine sections a and d into section a.

Combine sections b, c and e into section b.

Amend House Rule 29(e) by inserting the phrase "the postsecondary college system" so that it will read as follows:

(e) It shall be the duty of the Committee on Education to consider subjects relating to the regulation of school districts and schools; the postsecondary college system; the University System of New Hampshire; matters concerning education; and such other matters as may be referred to it.

Amend Rule 29(1)(2) by deleting the following:

"provided, however, that the Journal of the preceding day shall be read at the opening of the early session whenever requested by any 10 members."

Amend Rule 34(b) as follows:

(b) In the second-year session no bill or resolution shall be introduced if it is substantially similar to any bill or legislation which was indefinitely postponed or voted inexpedient to legislate by the House in the first-year session, unless however, it has been approved by a majority of the Committee on Rules or a two-thirds vote of the House, whether as a bill, an amendment, a committee of conference report or in any other manner.

(c) The House Committee on Rules shall consider alternative methods for limiting bills in the second-year session and, prior to adjournment from the first-year session, shall submit a proposal for limiting bills in the second year. Such proposal, if adopted by majority vote of the House, shall govern the introduction of bills in the second year.

Amend Rule 37(a) by inserting the words "or a general revenue bill" so it reads as follows:

(a) No request by a member of the House for drafting a bill or joint resolution other than the general budget, the capital budget bill or a general revenue bill, shall be accepted by the Office of Legislative Services for drafting unless the subject matter of the legislation, with complete information necessary for drafting, has been filed with said service no later than the date specified by Rule 67.

Amend Rule 44 by adding a new section (d) as follows:

(d)(1.) No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a clear violation of Part I, Article 28-a of the N.H. Constitution.

(2.) The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of Rule 44(d) 1 above.

Amend Rule 50 by inserting "34(b)" so it reads as follows:

No standing rule of the House shall be suspended unless two-thirds of the members present vote in favor thereof. This rule shall not apply to House Rules 19(b), 34(b) and 55, which may be suspended only in accordance with the terms of those rules.

Amend Rule 59 as follows:

Substitute the words "Speaker of the House or his designee" for the words "Committee on Appropriations or such member or subcommittee of the same as said committee may designate for the purpose."

Amend Rule 111 by deleting the words "shall be attached to the bill and a copy thereof sent to the Clerk of the appropriate House." and replacing them with "shall be inserted into the committee records on that bill."

Amend the definition of Joint Resolution by deleting the phrase "and to name public buildings and highways."

Amend Rule 67 by deleting the entire rule and replacing it with the following:

December 21, 1990, Friday - Final day to file information with Legislative Services.

January 24, Thursday - Final day to sign off money bills.

January 31, Thursday - Final day to sign off non-money bills;

Final day to introduce money bills.

February 7, Thursday - Final day to introduce non-money bills.

February 15, Friday - Final day for Governor's budget message.

February 21, Thursday - Ways and Means committee report on revenue.

February 28, Thursday - Final day for policy committees to report money bills.

March 7, Thursday - Final day for House to refer licensing bills to Executive Departments and Administration;

Final day for House to refer money bills to Appropriations.

March 14, Thursday - Final day to report non-money bills;

Final day for Public Works to report capital budget;

Final day for Executive Departments and Administration to report licensing bills.

March 21, Thursday - Crossover for all non-money bills;

Final day for House to refer capital budget to Appropriations;

Final day for House to refer licensing bills to Appropriations.

March 28, Thursday - Final day for Ways and Means to report revenue bills.

April 2, Tuesday - Final day for House to refer revenue bills to Appropriations.

April 4, Thursday - Final day for Appropriations to report money bills and budgets.

April 9, Tuesday - Crossover for all revenue bills;

Final day for briefing on House version of budget bills.

April 11, Thursday - Crossover for all money bills, including budgets.

### **Deadlines for Bills in the Second Body**

May 7, Tuesday - Final day for Ways and Means to report revenue bills.

May 9, Thursday - Final action on revenue bills in second body.

May 14, Tuesday - Final action on all money bills in second body.

May 16, Thursday - Final action on all non-money bills in second body.

### **Deadlines for Committees of Conference**

May 21, Tuesday - Final day to form Committees of Conference.

May 28, Tuesday - Final day to file (3:00 pm with Clerks) all Committee-of-Conference reports.

May 31, Friday - All Committee-of-Conference reports except budgets available by 4:00.

June 3, Monday - Committee-of-Conference reports on budgets available (10:00 am).

June 5, Wednesday - Final day to act on Committee-of-Conference reports except budget bills.

June 6, Thursday - Final day to act on budget Committee-of-Conference reports.

End of first-year session except for veto day.

June 10, Monday - All bills to Governor.

Rep. Michael Hill spoke to the committee report.

Adopted.

Rep. Jacobson offered the following amendment:

Amend Rule 67 by deleting

“June 5, Wednesday - Final Day to act on Committee of Conference reports except budget bills” and

“June 6, Thursday - Final day to act on Committee of Conference reports except budget bills.” and substituting therefore the following:

“June 6, Thursday - Final Day to act on Committee of Conference reports except budget bills” and

“June 11, Tuesday - Final day to act on Committee of Conference reports on budget bills.”

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Gross spoke against the amendment.

On a division vote, 88 members having voted in the affirmative and 262 in the negative, the amendment lost.

Rep. Jacobson offered the following amendment:

Amend Rule 34 by deleting section (c).

Rep. Lozeau spoke in favor.

Rep. Gross spoke against and yielded to questions.

Rep. Chambers spoke to the motion.

On a division vote, 122 members having voted in the affirmative and 236 in the negative, the amendment lost.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Pepino moved that the House reconsider its action whereby it found HB 150, relative to the observance of Memorial Day, Inexpedient to Legislate, and spoke against his motion.

Reconsideration lost.

### RESOLUTION

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 12, 1991 at 1:00 p.m..

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 103**, relative to the time period for perfection of a purchase money security interest under the uniform commercial code.

**HB 147**, relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates.

**HB 113**, relative to weighted voting in school administrative unit affairs.

**HB 117-FN**, relative to housekeeping changes in the weights and measures laws.

**HB 120**, to standardize the use of tax exemptions and tax credits for property tax purposes.

**HB 116**, relative to a definition of active military service in relation to representatives and senators.

**HB 131-FN**, relative to liability for acts which create situations requiring unnecessary emergency responses.

**HB 129-FN**, relative to monitoring the reassessment of taxable property by the department of revenue administration.

**UNANIMOUS CONSENT**

Rep. Searles addressed the House.

Rep. Jasper moved that the remarks of Rep. Searles be printed in the Journal.

Adopted.

**The Price of Love**

By Stanley N. Searles, Sr.

Across the seas in a foreign land there is a boy, fast grown a man  
 He lives each day with prayer and gun doing his best till the job is done  
 Alone with fate and his buddies hand away from home in a stranger's land  
 He's left behind the things held dear somebody's love, somebody's tear  
 The days will pass and time go by some will live, but some will die  
 And freedom's cause will still burn bright with the will to win and the power or  
 right

Back home a loved one waits with fear each day those final words to hear  
 Tonight a new star shines above that boy has paid his price of love

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 4:45 p.m.

**RECESS****(Speaker Burns in the Chair)**

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 53, 54, 56, 57, 60, 61, 65, and 442 through 782, Constitutional Amendment Concurrent Resolutions numbered 5 through 12, House Concurrent Resolutions numbered 10 and 11, House Joint Resolutions numbered 3 and 4, and House Bill of Intent numbered 3, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.



**INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, HJR and HBI****First, second reading and referral**

**HB 53-FN-A**, establishing a continually appropriated state park fund and a ski area funding mechanism. (LaMott of Grafton Dist. 5; Peyron of Sullivan Dist. 2 - To Resources, Recreation and Development)

**HB 54-FN**, eliminating the laws regarding children in need of services. (Gross of Merrimack Dist. 16 - To Children, Youth and Juvenile Justice)

**HB 56-FN**, relative to school building aid. (Gross of Merrimack Dist. 16 - To Education)

**HB 57-FN**, relative to budget reductions which may be ordered by the governor. (Gross of Merrimack Dist. 16 - To Appropriations)

**HB 60-FN**, relative to a property tax exemption for low income residents. (Gross of Merrimack Dist. 16 - To Municipal and County Government)

**HB 61-FN**, relative to the distribution of moneys received as a result of the commission of a crime. (Gross of Merrimack Dist. 16 - To Judiciary)

**HB 65-FN-A**, relative to a furlough program for employees of the state. (Gross of Merrimack Dist. 16; Delahunty of Dist. 22 - To Appropriations)

**HB 442-FN**, exempting small producers of raw milk from certain inspections. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HB 443-FN-A**, relative to shoreland protection and making an appropriation therefor and relative to water user fees. (Maviglio of Belknap Dist. 1; Metzger of Cheshire Dist. 11; J. Young of Strafford Dist. 10; McLane of Dist. 15; Blaisdell of Dist. 10 - To Resources, Recreation and Development)

**HB 444**, relative to requesting a vote by secret ballot at town meetings. (McKinney of Rockingham Dist. 23 - To Municipal and County Government)

**HB 445-FN**, defining "compact parts" of towns and cities with regard to criminal charges for unauthorized use of firearms and firecrackers. (W. Boucher of Rockingham Dist. 23 - To Judiciary)

**HB 446-FN**, relative to the board of registration in medicine. (W. McCain of Rockingham Dist. 11; Currier of Dist. 7 - To Executive Departments and Administration)

**HB 447**, relative to bulk commodities. (Millard of Merrimack Dist. 4 - To Transportation)

**HB 448-A**, appropriating funds for environmental and engineering design studies for the Ledyard Bridge in Hanover and making an appropriation therefor. (Nordgren of Grafton Dist. 12; Chambers of Grafton Dist. 12; Guest of Grafton Dist. 12; Copenhagen of Grafton Dist. 12; Hough of Dist. 5 - To Public Works)

**HB 449-FN**, to double the net income requirements under the optional adjusted elderly property tax exemption. (Stio of Merrimack Dist. 5; Jelley of Merrimack Dist. 17; Daneault of Merrimack Dist. 8; Parr of Rockingham Dist. 17 - To Municipal and County Government)

**HB 450**, relative to claims to dower and curtesy. (Lown of Hillsborough Dist. 9 - To Judiciary)

**HB 451-FN**, relative to licensing health facilities. (Soldati of Merrimack Dist. 19; Fraser of Dist. 4; Hollingworth of Dist. 23 - To Health, Human Services and Elderly Affairs)

**HB 452-FN**, relative to solicitation of prostitutes. (Nardi of Hillsborough Dist. 35; Arnesen of Grafton Dist. 7; A. Bourque of Hillsborough Dist. 35; O'Rourke of Hillsborough Dist. 35; F. King of Hillsborough Dist. 43 - To Judiciary)

**HB 453-FN**, authorizing the use of green emergency lights by licensed security agencies or other authorized persons. (Doucette of Cheshire Dist. 17 - To Public Protection and Veterans Affairs)

**HB 454**, relative to safe deposit boxes. (Krueger of Sullivan Dist. 6; Fraser of Dist 4 - To Commerce, Small Business and Consumer Affairs)

**HB 455**, relative to determination of amount of alimony awards. (Doucette of Cheshire Dist. 17; E. Clark of Cheshire Dist. 3; Champagne of Cheshire Dist. 17 - To Children, Youth and Juvenile Justice)

**HB 456-FN**, prohibiting bear baiting. (Drake of Rockingham Dist. 18; S. Cole of Cheshire Dist. 10; G. Merrill of Coos Dist. 1; Brungot of Coos Dist. 8; R. Foster of Carroll Dist. 4; Oleson of Dist. 1 - To Fish and Game)

**HB 457**, relative to changes in town charters. (Jasper of Hillsborough Dist. 19; Alukonis of Sullivan Dist. 7; Searles of Hillsborough Dist. 19; Tate of Hillsborough Dist. 19; L. Smith of Hillsborough Dist. 21; Colantuono of Dist. 14 - To Municipal and County Government)

**HB 458**, relative to the composition of the wetlands board. (Stamatakis of Sullivan Dist. 4; Copenhaver of Grafton Dist. 12 - To Resources, Recreation and Development)

**HB 459**, relative to notice received by the wetlands board from local conservation commissions. (Stamatakis of Sullivan Dist. 4 - To Resources, Recreation and Development)

**HB 460-FN**, relative to the confidentiality of certain health care data. (Holmes of Merrimack Dist. 13 - To Health, Human Services and Elderly Affairs)

**HB 461-FN**, relative to notice for out of district placement by the court. (Guest of Grafton Dist. 12; Flint of Sullivan Dist. 2; Laurent of Cheshire Dist. 2; Disnard of Dist. 8; Hough of Dist. 5 - To Children, Youth and Juvenile Justice)

**HB 462**, relative to special education hearing officers. (Flint of Sullivan Dist. 2; Guest of Grafton Dist. 12; Laurent of Cheshire Dist. 2; Disnard of Dist. 8; Hough of Dist. 5 - To Education)

**HB 463**, relative to rulemaking for the board of education. (Guest of Grafton Dist. 12; Nardi of Hillsborough Dist. 35; Nelson of Dist. 13 - To Education)

**HB 464**, relative to plant closing notification. (Chambers of Grafton Dist. 12; D. Cote of Hillsborough Dist. 25; Oliver of Coos Dist. 7; Oleson of Dist. 1; W. King of Dist. 2 - To Labor, Industrial and Rehabilitative Services)

**HB 465**, relative to a state veterans cemetery at Pease Air Force Base. (Connell of Rockingham Dist. 4; Millard of Merrimack Dist. 4; Cohen of Dist. 24 - To Public Protection and Veterans Affairs)

**HB 466-FN**, establishing a study committee to evaluate residential care facilities. (Elliott of Hillsborough Dist. 2; Arnesen of Grafton Dist. 7; D. Dow of Grafton Dist. 8 - To Health, Human Services and Elderly Affairs)

**HB 467**, relative to state-funded institutions prohibiting students from participating in certain activities or organizations. (Jasper of Hillsborough Dist. 19; R. Kelley of Hillsborough Dist. 13 - To Education)

**HB 468-FN**, prohibiting the enforcement of motor vehicle laws by off-duty police in their personal vehicles and by police in unmarked vehicles. (B. Packard of Hillsborough Dist. 15 - To Transportation)

**HB 469-A**, relative to improvements on route 106 and making an appropriation therefor. (Hayes of Merrimack Dist. 21; Dupont of Dist. 6 - To Public Works)

**HB 470**, relative to health maintenance organizations. (Lozeau of Hillsborough Dist. 25; Nelson of Dist. 13 - To Commerce, Small Business and Consumer Affairs)

**HB 471**, relative to parents' right to know concerning teacher certification. (Chambers of Grafton Dist. 12 - To Education)

**HB 472-FN-A**, relative to establishing a fiscal impact review process for state agency programs and making an appropriation therefor. (S. Cole of Cheshire Dist. 10; R. Hill of Grafton Dist. 1; Kurk of Hillsborough Dist. 3 - To Executive Departments and Administration)

**HB 473**, relative to school district budget voting. (Kurk of Hillsborough Dist. 3 - To Education)

**HB 474-FN**, prohibiting bear dog training. (Drake of Rockingham Dist. 18; R. Foster of Carroll Dist. 4; Perham of Hillsborough Dist. 10; S. Cole of Cheshire Dist. 10; Oleson of Dist. 1; Heath of Dist. 3 - To Fish and Game)

**HB 475-FN**, relative to appointment of banking department assistants, and to the performance of contract services by the banking department, and to assessing the costs of bank examinations. (B. Packard of Hillsborough Dist. 15; Fraser of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

**HB 476-FN-A**, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. (Jacobson of Merrimack Dist. 2; Burling of Sullivan Dist. 1; Nelson of Dist. 13 - To Judiciary)

**HB 477-FN**, relative to agency authority to make rules and impose administrative fines. (Roulston of Rockingham Dist. 20 - To Executive Departments and Administration)

**HB 478-FN**, relative to the emergency shelter program. (Nardi of Hillsborough Dist. 35; Tarpley of Hillsborough Dist. 9; McLane of Dist. 15; Podles of Dist. 16 - To Health, Human Services and Elderly Affairs)

**HB 479-FN-A**, increasing the personal needs allowance of nursing home residents and making an appropriation therefor. (Pantelakos of Rockingham Dist. 24; M. Campbell of Rockingham Dist. 20; Hollingworth of Dist. 23 - To Health, Human Services and Elderly Affairs)

**HB 480-FN-A**, relative to a 3 percent purchase tax. (O'Brien of Strafford Dist. 10; Pantelakos of Rockingham Dist. 24 - To Ways and Means)

**HB 481-FN**, allowing nursing home administrators to file for disposition of a deceased individual's estate. (Record of Hillsborough Dist. 23; Hollingworth of Dist. 23 - To Judiciary)

**HB 482-FN**, relative to temporary and emergency guardianships. (Soldati of Merrimack Dist. 19; Ziegler of Belknap Dist. 6 - To Judiciary)

**HB 483-FN**, relative to emergency temporary adjustments to the application of child support guidelines. (L. Johnson of Hillsborough Dist. 37 - To Children, Youth and Juvenile Justice)

**HB 484-FN**, relative to when electric companies are public utilities and affiliates of public utilities. (Whitcomb of Grafton Dist. 1; R. Hill of Grafton Dist. 1 - To Science, Technology and Energy)

**HB 485**, relative to living wills. (Corte of Strafford Dist. 6; Gilmore of Strafford Dist. 7; McLane of Dist. 15 - To Judiciary)

**HB 486-FN**, relative to collection of forfeitures of recognizances by the division of motor vehicles. (Daly of Carroll Dist. 3 - To Judiciary)

**HB 487-FN**, relative to shared family liability for public assistance. (Hutchinson of Rockingham Dist. 23 - To Health, Human Services and Elderly Affairs)

**HB 488-FN**, relative to the flexible spending programs. (C. Brown of Grafton Dist. 13 - To Executive Departments and Administration)

**HB 489-FN**, relative to a New Hampshire public facilities authority. (Soldati of Merrimack Dist. 19; Hayes of Merrimack Dist. 21 - To Public Works)

**HB 490-FN**, relative to continuation of state health and dental insurance benefits for state employees called for active duty as a result of Operation Desert Storm. (W. McCann of Strafford Dist. 7; O'Brien of Strafford Dist. 10; Soldati of Merrimack Dist. 19 - To Executive Departments and Administration)

**HB 491-FN**, relative to the collection of the normal yield tax in unincorporated towns and unorganized places. (Marsh of Coos Dist. 1; Brungot of Coos Dist. 8; Kilbride of Coos Dist. 8; Mayhew of Coos Dist. 3; Horton of Coos Dist. 4; Oleson of Dist. 1 - To Resources, Recreation and Development)

**HB 492-FN**, relative to conservation restriction assessments. (Metzger of Cheshire Dist. 11 - To Municipal and County Government)

**HB 493-FN**, relative to the design review fees for sewerage and wastewater projects. (Marston of Strafford Dist. 6 - To Resources, Recreation and Development)

**HB 494-FN**, relative to residency requirements for general assistance. (Shackett of Grafton Dist. 10 - To Municipal and County Government)

**HB 495-FN**, reorganizing the office of securities regulation. (O'Brien of Strafford Dist. 10; W. McCann of Strafford Dist. 7 - To Executive Departments and Administration)

**HB 496-FN**, relative to administrative fines for marine pollution. (Millard of Merrimack Dist. 4; Gross of Merrimack Dist. 16 - To Resources, Recreation and Development)

**HB 497-FN-A**, relative to an equipment challenge grant program for vocational and technical education programs and making an appropriation therefor. (Arnold of Hillsborough Dist. 33; Dupont of Dist. 6 - To Education)

**HB 498-FN**, relative to domestic manufacturers of liquor. (McKinney of Rockingham Dist. 23 - To Regulated Revenues)

**HB 499-FN**, to prevent the registration of junk motor vehicles which are not intended for legal use on any public highway. (Connell of Rockingham Dist. 4 - To Transportation)

**HB 500-FN**, relative to drug testing in the workplace. (Trombly of Merrimack Dist. 4 - To Labor, Industrial and Rehabilitative Services)

**HB 501-FN**, relative to electric utility conservation measures. (Bradley of Carroll Dist. 6 - To Science, Technology and Energy)

**HB 502-FN-A**, relative to child care resource and referral systems and making an appropriation therefor. (Wallner of Merrimack Dist. 21; Nordgren of Grafton Dist. 12; Emerton of Hillsborough Dist. 6 - To Children, Youth and Juvenile Justice)

**HB 503**, relative to recovery of medical assistance payments. (Sytek of Rockingham Dist. 20 - To Judiciary)

**HB 504-FN**, relative to utilization review programs. (Asplund of Merrimack Dist. 10; Ziegler of Belknap Dist. 6; K. Foster of Cheshire Dist. 17 - To Health, Human Services and Elderly Affairs)

**HB 505-FN**, relative to the distribution of the normal yield tax. (Scanlan of Grafton Dist. 11; Dickinson of Carroll Dist. 2; Schotanus of Sullivan Dist. 1; Musler of Strafford Dist. 3 - To Resources, Recreation and Development)

**HB 506-FN**, relative to cost-of-living increases in the AFDC standard of need. (Amidon of Hillsborough Dist. 7; L. Johnson of Hillsborough Dist. 37; Senter of



Rockingham Dist. 9; Copenhaver of Grafton Dist. 12; MacDonald of Rockingham Dist. 28 - To Health, Human Services and Elderly Affairs)

**HB 507-FN**, to impose a disposable diaper fee. (LaMar of Cheshire Dist. 16; Arnesen of Grafton Dist. 7; K. Cole of Cheshire Dist. 3 - To Environment and Agriculture)

**HB 508-FN**, relative to domestic violence shelters. (Chase of Rockingham Dist. 28 - To Health, Human Services and Elderly Affairs)

**HB 509**, clarifying the definition of public benefit relative to permitting solid waste facilities. (Arnesen of Grafton Dist. 7; Gilmore of Strafford Dist. 7; A. Merrill of Strafford Dist. 4 - To Environment and Agriculture)

**HB 510-FN**, relative to the energy conservation construction code. (J. Chandler of Merrimack Dist. 1 - To Science, Technology and Energy)

**HB 511-FN**, repealing the certificate of need law. (Raynowska of Rockingham Dist. 20 - To Health, Human Services and Elderly Affairs)

**HB 512-FN**, relative to the city of Concord's rights to draw water from the Contoocook River. (M. Hill of Merrimack Dist. 14; Hayes of Merrimack Dist. 21 - To Resources, Recreation and Development)

**HB 513-FN**, relative to the eminent domain procedure act and unpaid taxes. (Stamatakis of Sullivan Dist. 4; Salatiello of Belknap Dist. 3; J. Chandler of Merrimack Dist. 1 - To Municipal and County Government)

**HB 514-FN**, relative to special town meetings. (Wadsworth of Grafton Dist. 13 - To Municipal and County Government)

**HB 515-FN**, exempting the purchase of certain land conservation property on which dams are located from the requirement of legislative approval. (Lewis of Merrimack Dist. 5; Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

**HB 516**, relative to library trustees' authority to accept gifts. (Kurk of Hillsborough Dist. 3; Arnesen of Grafton Dist. 7 - To Municipal and County Government)

**HB 517-FN**, relative to watercraft safety. (Haynes of Rockingham Dist. 9 - To Transportation)

**HB 518-FN**, relative to motor vehicle and boat registration revocations for court defaults and relative to the payment of court obligations. (Malcolm of Rockingham Dist. 17; A. Christie of Rockingham Dist. 17 - To Transportation)

**HB 519-FN**, relative to municipal budget matters and the timber tax. (Golden of Belknap Dist. 7 - To Municipal and County Government)

**HB 520-FN**, relative to changing county government's share of public assistance. (Jacobson of Merrimack Dist. 2 - To Appropriations)

**HB 521-FN**, requiring literacy testing as a prerequisite for certain public assistance. (Ouellette of Hillsborough Dist. 48 - To Health, Human Services and Elderly Affairs)

**HB 522-FN**, relative to compulsory attendance. (Skinner of Rockingham Dist. 21; Flint of Sullivan Dist. 2; Larson of Grafton Dist. 9; T. Christie of Merrimack Dist. 9; Hough of Dist. 5 - To Education)

**HB 523-FN**, relative to local cease and desist orders for zoning, planning and code violations. (Lown of Hillsborough Dist. 9; Perry of Cheshire Dist. 10; L. Smith of Hillsborough Dist. 21; Metzger of Cheshire Dist. 11 - To Municipal and County Government)

**HB 524-FN**, to allow municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption. (Holmes of Merrimack

Dist. 13; Holden of Hillsborough Dist. 9; Stio of Merrimack Dist. 5; Tarpley of Hillsborough Dist. 9 - To Municipal and County Government)

**HB 525-FN**, relative to appealing recounts in town elections. (Emerton of Hillsborough Dist. 6 - To Constitutional and Statutory Revision)

**HB 526-FN**, authorizing sentencing to extended terms of imprisonment by district court justices. (Trombly of Merrimack Dist. 4 - To Judiciary)

**HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor. (Dunn of Merrimack Dist. 21; Chase of Rockingham Dist. 28; Fraser of Dist. 4 - To Health, Human Services and Elderly Affairs)

**HB 528-FN**, relative to DWI and the ignition interlock device. (Jacobson of Merrimack Dist. 2 - To Transportation)

**HB 529-FN**, relative to the permanently and totally disabled program. (Copenhaver of Grafton Dist. 12 - To Health, Human Services and Elderly Affairs)

**HB 530-FN**, relative to marital arbitration. (Record of Hillsborough Dist. 23; Martling of Strafford Dist. 4; Burling of Sullivan Dist. 1 - To Judiciary)

**HB 531-FN**, relative to personal care for the severely physically disabled. (Pignatelli of Hillsborough Dist. 31 - To Labor, Industrial and Rehabilitative Services)

**HB 532**, relative to the color of ballots used in municipal elections. (Scanlan of Grafton Dist. 11 - To Constitutional and Statutory Revision)

**HB 533-FN-A**, permitting administrative fines to be charged by the division of public health services and continually appropriating a photocopy fund to the commissioner of health and human services. (Gross of Merrimack Dist. 16; Soldati of Merrimack Dist. 19; Hough of Dist. 5 - To Executive Departments and Administration)

**HB 534-FN**, amending the habitual offender penalties to provide for special alternative incarceration. (Hawkins of Belknap Dist. 5; Lown of Hillsborough Dist. 9 - To Judiciary)

**HB 535-FN-A**, relative to land acquisition for the Nashua Municipal Airport and making an appropriation therefor. (B. McCann of Hillsborough Dist. 31 - To Public Works)

**HB 536**, prohibiting the conversion of manufactured housing parks into condominiums. (Salatiello of Belknap Dist. 3 - To State Institutions and Housing)

**HB 537**, relative to elected county offices and the offices of executive councilor, state senator, and state representative. (Copenhaver of Grafton Dist. 12 - To Constitutional and Statutory Revision)

**HB 538**, to limit the terms of office for the members of the United States Congress from New Hampshire, and to limit the terms of office for the members of the New Hampshire house and senate. (Welch of Rockingham Dist. 10; Rep. Pepino of Hillsborough Dist. 37; Sen. Humphrey of Dist. 17 - To Constitutional and Statutory Revision)

**HB 539-FN-A**, relative to a committee to study the uninsurable and making an appropriation therefor. (Fair of Merrimack Dist. 7; B. Packard of Hillsborough Dist. 15; Fraser of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

**HB 540-FN**, to tax certain faculty quarters located at private educational institutions. (Joscelyn of Belknap Dist. - To Municipal and County Government)

**HB 541**, relative to arrests for abuse of elderly or incapacitated adults. (P. White of Grafton Dist. 6 - To Judiciary)

**HB 542**, relative to the time frame for submitting school district meeting warrant articles. (R. Wheeler of Hillsborough Dist. 6 - To Education)

**HB 543-FN**, relative to motor fuel quality. (Millard of Merrimack Dist. 4 - To Transportation)

**HB 544**, relative to the time for hearing appeals before the ballot law commission and relative to appointing alternate ballot law commission members. (Flanagan of Rockingham Dist. 8; Holden of Hillsborough Dist. 9 - To Constitutional and Statutory Revision)

**HB 545**, reapportioning the executive council districts. (Burns of Coos Dist. 5; Dupont of Dist. 6 - To Constitutional and Statutory Revision)

**HB 546-FN**, granting school districts the opportunity to vote to authorize the expenditure of public funds as reimbursement for private education. (Skinner of Rockingham Dist. 21; Hoelzel of Rockingham Dist. 6 - To Education)

**HB 547-FN**, relative to the date for the application of the optional veterans' exemption and the optional exemption for the surviving spouses of veterans in certain towns. (Fields of Hillsborough Dist. 13; R. Kelley of Hillsborough Dist. 13; E. Dodge of Hillsborough Dist. 13; Calawa of Hillsborough Dist. 14 - To Municipal and County Government)

**HB 548**, relative to the information required on checklists. (Trombly of Merrimack Dist. 4 - To Constitutional and Statutory Revision)

**HB 549-FN**, relative to early retirement for group I members of the retirement system. (O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

**HB 550-FN**, relative to the withdrawal of accumulated contributions and retirement system membership. (Goulet of Hillsborough Dist. 11; Laurent of Cheshire Dist. 2; Colantuono of Dist. 14 - To Executive Departments and Administration)

**HB 551**, relative to the distribution of taxes from towns to village districts. (Markley of Grafton Dist. 6 - To Municipal and County Government)

**HB 552-FN**, relative to funding medical benefits for retired group I members of political subdivisions. (Malcolm of Rockingham Dist. 17 - To Executive Departments and Administration)

**HB 553-FN**, relative to the Bridge Street Bridge over Storrs Street in the city of Concord. (Weeks of Merrimack Dist. 21; Teague of Merrimack Dist. 18; Soldati of Merrimack Dist. 19; Hayes of Merrimack Dist. 21; McLane of Dist. 15 - To Public Works)

**HB 554-FN**, permitting the Wolfeboro district court and the Ossipee district court to hold sessions in the same location. (Dickinson of Carroll Dist. 2; Chandler of Carroll Dist. 1; G. Dodge of Carroll Dist. 2 - To Judiciary)

**HB 555**, limiting horsepower on Big Pea Porridge Pond. (Dickinson of Carroll Dist. 2; Allard of Carroll Dist. 2; Daly of Carroll Dist. 3; A. Dodge of Carroll Dist. 2; Heath of Dist. 3 - To Transportation)

**HB 556-FN**, relative to certain minor dependent children's eligibility for assistance. (Ziegra of Belknap Dist. 6; Maviglio of Belknap Dist. 1; R. Foster of Carroll Dist. 4; Fraser of Dist. 4 - To Municipal and County Government)

**HB 557-FN**, relative to the BOCA code. (J. Chandler of Merrimack Dist. 1; Whittemore of Merrimack Dist. 10; Asplund of Merrimack Dist. 10; Nielsen of Grafton Dist. 8; Gilbreth of Merrimack Dist. 12 - To State Institutions and Housing)

**HB 558-FN**, relative to seniority credit to protect veterans from layoffs and relative to maintenance and security costs charged by the adjutant general for rental of armories. (F. Riley of Hillsborough Dist. 44; Daly of Carroll Dist. 3; Pepino of Hillsborough Dist. 37 - To Executive Departments and Administration)



**HB 559-FN**, relative to commercial and recreational fisheries. (Vaughn of Rockingham Dist. 27; Felch of Rockingham Dist. 14 - To Fish and Game)

**HB 560-FN**, relative to bacteriological standards and reclassifying certain waters. (L. Smith of Hillsborough Dist. 21 - To Resources, Recreation and Development)

**HB 561**, enabling towns to limit reconsideration of town meeting votes. (R. Johnson of Rockingham Dist. 1 - To Municipal and County Government)

**HB 562**, extending the surgical authority of podiatrists. (Sytek of Rockingham Dist. 20; Holmes of Merrimack Dist. 13 - To Health, Human Services and Elderly Affairs)

**HB 563-FN**, relative to the creation of trust funds and relative to unanticipated school funds. (Robinson of Hillsborough Dist. 12 - To Education)

**HB 564-FN**, enabling towns and cities to establish heritage commissions. (Connell of Rockingham Dist. 4; Pressly of Dist. 12 - To Municipal and County Government)

**HB 565-FN**, relative to marine oil spill response. (E. Greene of Rockingham Dist. 18; Drake of Rockingham Dist. 18; B. McCann of Hillsborough Dist. 31; McCarthy of Rockingham Dist. 18; S. Cole of Cheshire Dist. 10; Cohen of Dist. 24; Hollingworth of Dist. 23; Dupont of Dist. 6 - To Resources, Recreation and Development)

**HB 566-FN**, relative to fuel efficiency standards for state vehicles. (A. Merrill of Strafford Dist. 4; Bradley of Carroll Dist. 6 - To Executive Departments and Administration)

**HB 567**, relative to stepparent's visitation rights. (Maviglio of Belknap Dist. 1 - To Children, Youth and Juvenile Justice)

**HB 568-FN**, relative to zoning variances and exceptions. (A. Merrill of Strafford Dist. 4; Shaheen of Dist. 21 - To Municipal and County Government)

**HB 569**, to reapportion county commissioner districts. (Gross of Merrimack Dist. 16 - To Constitutional and Statutory Revision)

**HB 570-FN**, relative to a cost of living adjustment for retired firefighters. (Reidy of Hillsborough Dist. 45; Raynowska of Rockingham Dist. 20; R. Chasse of Hillsborough Dist. 27; Jeffrey Brown of Rockingham Dist. 14; MacDonald of Rockingham Dist. 28 - To Executive Departments and Administration)

**HB 571-FN**, relative to multiple-employer welfare arrangements. (Foss of Strafford Dist. 10 - To Commerce, Small Business and Consumer Affairs)

**HB 572**, relative to exclusions in automobile insurance. (Krueger of Sullivan Dist. 6 - To Commerce, Small Business and Consumer Affairs)

**HB 573**, relative to unauthorized insurance. (Foss of Strafford Dist. 10 - To Commerce, Small Business and Consumer Affairs)

**HB 574-FN**, relative to managing general agents. (Foss of Strafford Dist. 10 - To Commerce, Small Business and Consumer Affairs)

**HB 575**, relative to liquidation and rehabilitation of insurance companies. (Foss of Strafford Dist. 10 - To Commerce, Small Business and Consumer Affairs)

**HB 576-FN**, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers. (Foss of Strafford Dist. 10 - To Commerce, Small Business and Consumer Affairs)

**HB 577**, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

**HB 578**, establishing an advisory committee on Governors state park in Laconia. (Maviglio of Belknap Dist. 1; Holbrook of Belknap Dist. 13; Rosen of Belknap of



Dist. 9; Turner of Belknap Dist. 11; Fraser of Dist. 4 - To Resources, Recreation and Development)

**HB 579**, relative to municipal charters. (Perry of Cheshire Dist. 10; Bass of Dist. 11 - To Municipal and County Government)

**HB 580**, relative to insurance rebates and automobile financing. (Malcolm of Rockingham Dist. 17; Welch of Rockingham Dist. 10 - To Commerce, Small Business and Consumer Affairs)

**HB 581**, relative to eviction of a tenant for nonpayment of rent. (Ouellette of Hillsborough Dist. 48 - To State Institutions and Housing)

**HB 582-FN**, relative to ozone-depleting compounds. (B. McCann of Hillsborough Dist. 31 - To Executive Departments and Administration)

**HB 583-FN**, relative to carrying pistols and revolvers. (D. Wheeler of Hillsborough Dist. 10; Dickinson of Carroll Dist. 2; N. Lawrence of Hillsborough Dist. 20; Feur of Cheshire Dist. 4 - To Public Protection and Veterans Affairs)

**HB 584-FN**, relative to mandatory automobile insurance. (Pelley of Strafford Dist. 10; Rep. Baldizar of Hillsborough Dist. 22; Spencer of Strafford Dist. 4; G. Gagnon of Hillsborough Dist. 29; Barberia of Merrimack Dist. 6; Searles of Hillsborough Dist. 19; Clemons of Hillsborough Dist. 25; L. Apple of Merrimack Dist. 9; A. Smith of Rockingham Dist. 20; Drabinowicz of Hillsborough Dist. 32; Rosen of Belknap Dist. 9; Klemarczyk of Rockingham Dist. 13; Hollingworth of Dist. 23 - To Commerce, Small Business and Consumer Affairs)

**HB 585-FN**, recodifying the laws relative to emergency medical services. (Cownhoven of Hillsborough Dist. 9; Copenhaver of Grafton Dist. 12; Currier of Dist. 7; Podles of Dist. 16 - To Health, Human Services and Elderly Affairs)

**HB 586-FN**, relative to imposing liens for delinquent fees for recycling services provided by municipalities. (Kilbride of Coos Dist. 8; Rep. Brungot of Coos Dist. 8; Rep. Theriault of Coos Dist. 8; Nelson of Coos Dist. 8 - To Municipal and County Government)

**HB 587-FN**, relative to the resolution of public employee labor disputes. (R. Hawkins of Belknap Dist. 5 - To Municipal and County Government)

**HB 588-FN**, to allow the Wakefield school district to withdraw from school administrative unit number 64 and to establish an independent school administrative unit coextensive with its own school district boundaries. (G. Wiggin of Carroll Dist. 7; Sen. Heath of Dist. 3 - To Education)

**HB 589-FN**, relative to holding companies. (Foss of Strafford Dist. 10 - To Commerce, Small Business and Consumer Affairs)

**HB 590-FN**, relative to employee leaves of absence for family and catastrophic medical purposes. (Elliott of Hillsborough Dist. 2; Wallner of Merrimack Dist. 21; McLane of Dist. 15 - To Labor, Industrial and Rehabilitative Services)

**HB 591**, reapportioning the state house of representatives districts. (Burns of Coos Dist. 5; Dupont of Dist. 6 - To Constitutional and Statutory Revision)

**HB 592-FN-A**, relative to a business tax and making an appropriation therefor. (Sytek of Rockingham Dist. 20 - To Ways and Means)

**HB 593-FN-A**, relative to the rate of the business profits tax. (Sytek of Rockingham Dist. 20 - To Ways and Means)

**HB 594-FN**, relative to repealing the law relative to the reorganization of Public Service Company of New Hampshire. (Chambers of Grafton Dist. 12; Spear of Cheshire Dist. 13; A. Merrill of Strafford Dist. 4; Maviglio of Belknap Dist. 1; Stamatakis of Sullivan Dist. 4 - Science, Technology and Energy)

**HB 595-FN**, relative to citations for building code and land use violations. (Nordgren of Grafton Dist. 12; Soldati of Merrimack Dist. 19; Weeks of Merrimack Dist. 21; Currier of Dist. 7; Hollingworth of Dist. 23 - To Municipal and County Government)

**HB 596-FN**, relative to manufactured housing park rules and penalties for violation of certain conditions in manufactured housing parks. (Katsakiores of Rockingham Dist. 7 - To State Institutions and Housing)

**HB 597-FN**, relative to licensing of nurses. (Copenhaver of Grafton Dist. 12; A. Torr of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

**HB 598-FN**, requiring testing of certain sex offenders for human immunodeficiency virus and other sexually transmitted diseases. (S. Green of Hillsborough Dist. 36 - To Judiciary)

**HB 599-FN**, relative to the storage and disposal of low-level radioactive waste. (Arnesen of Grafton Dist. 7; DePecol of Cheshire Dist. 12; Spear of Cheshire Dist. 13 - To Science, Technology and Energy)

**HB 600-FN**, providing additional protection to historic boundaries. (Millard of Merrimack Dist. 4 - To Public Works)

**HB 601-FN-A**, establishing a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program. (W. Boucher of Rockingham Dist. 23; A. Wiggin of Carroll Dist. 4 - To Resources, Recreation and Development)

**HB 602-FN-A**, reinstating the dental program for children and making an appropriation therefor. (Copenhaver of Grafton Dist. 12; Hough of Dist. 5; Hollingworth of Dist. 23 - To Children, Youth and Juvenile Justice)

**HB 603-FN**, to establish a state mandates task force to recommend modification or repeal of those state mandates imposed upon municipalities and school districts which are deemed unnecessary or too expensive. (Teschner of Grafton Dist. 5; Stamatakis of Sullivan Dist. 4; W. McCain of Rockingham Dist. 11; Sytek of Rockingham Dist. 20; Currier of Dist. 7 - To Legislative Administration)

**HB 604**, granting rulemaking authority to the division of waste management relative to infectious waste. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HB 605-FN**, establishing a committee to study the feasibility of a mass transportation authority. (Senter of Rockingham Dist. 9; Burling of Sullivan Dist. 1; J. Flanders of Rockingham Dist. 10; Klemarczyk of Rockingham Dist. 13; Russman of Dist. 19; Delahunty of Dist. 22; Cohen of Dist. 24 - To Transportation)

**HB 606-FN**, prohibiting discrimination on the basis of sexual orientation or national origin. (Trombly of Merrimack Dist. 4; S. Green of Hillsborough Dist. 36 - To Executive Departments and Administration)

**HB 607**, permitting actions for damages resulting from violations of unemployment and workers' compensation laws by bidders on construction contracts. (O'Rourke of Hillsborough Dist. 35; D. Cote of Hillsborough Dist. 25; LaMott of Grafton Dist. 5; Currier of Dist. 7 - To Judiciary)

**HB 608-FN**, relative to the law enforcement authority of forest rangers and officials of the division of forests and lands. (Dyer of Hillsborough Dist. 7; Schotanus of Sullivan Dist. 1; G. Merrill of Coos Dist. 1; M. Campbell of Rockingham Dist. 20; Currier of Dist. 7 - To Public Protection and Veterans Affairs)

**HB 609-FN**, relative to mountain ridge protection. (N. Ford of Hillsborough Dist. 24; L. Smith of Hillsborough Dist. 21; Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

**HB 610-FN**, establishing a committee to study how the department of administrative services may efficiently collect the fines and fees imposed by the state. (Malcolm of Rockingham Dist. 17; Emerton of Hillsborough Dist. 6; A. Christie of Rockingham Dist. 17 - To Executive Departments and Administration)

**HB 611-FN**, relative to plastic holding devices used in packaging. (L. Smith of Hillsborough Dist. 21; Alukonis of Hillsborough Dist. 19; Jasper of Hillsborough Dist. 19; Searles of Hillsborough Dist. 19; Colantuono of Dist. 14 - To Environment and Agriculture)

**HB 612-FN**, relative to relaying information on budgetary matters to parents of school children. (Domaingue of Hillsborough Dist. 42 - To Education)

**HB 613-FN**, relative to the procedures of the certificate of need board. (R. Foster of Carroll Dist. 4; A. Torr of Strafford Dist. 6; Copenhaver of Grafton Dist. 12; Ziegra of Belknap Dist. 6; Amidon of Hillsborough Dist. 7; Heath of Dist. 3 - To Health, Human Services and Elderly Affairs)

**HB 614-FN-A**, relative to restoring the sunset process and making an appropriation therefor. (Stamatakis of Sullivan Dist. 4; W. Boucher of Rockingham Dist. 23; Teschner of Grafton Dist. 5; Dickinson of Carroll Dist. 2 - To Executive Departments and Administration)

**HB 615-FN**, relative to sand and gravel. (K. Wheeler of Strafford Dist. 4; Hambrick of Strafford Dist. 4; B. Hall of Hillsborough Dist. 16; Durham of Hillsborough Dist. 18; Terninko of Rockingham Dist. 2; Shaheen of Dist. 21 - To Environment and Agriculture)

**HB 616-FN**, relative to discrimination in insurance policies. (Braiterman of Merrimack Dist. 3; K. Wheeler of Strafford Dist. 4; D. Hall of Merrimack Dist. 7; Fillion of Merrimack Dist. 15; B. Packard of Hillsborough Dist. 15; W. King of Dist. 2 - To Commerce, Small Business and Consumer Affairs)

**HB 617-FN**, relative to fishing permits for certain head-injured persons. (Kinney of Strafford Dist. 6; Elliott of Hillsborough Dist. 2; D. Dow of Grafton Dist. 8; Lefebvre of Hillsborough Dist. 29; Bickford of Strafford Dist. 10 - To Fish and Game)

**HB 618-FN**, adding the choice of "none of the above" to state election ballots. (Gilmore of Strafford Dist. 7 - To Constitutional and Statutory Revision)

**HB 619-FN**, relative to central business districts. (Bourque of Hillsborough Dist. 35; J. King of Dist. 18; St. Jean of Dist. 20; Podles of Dist. 16 - To Municipal and County Government)

**HB 620-FN**, relative to the transportation of alcohol in open containers. (N. Ford of Hillsborough Dist. 24; Lown of Hillsborough Dist. 9; Moore of Hillsborough Dist. 5; Wadsworth of Grafton Dist. 13; Nordgren of Grafton Dist. 12; L'Heureux of Hillsborough Dist. 13; Bickford of Strafford Dist. 10; Barberia of Merrimack Dist. 6; Hurst of Rockingham Dist. 17; Ferlan of Hillsborough Dist. 24; P. Brown of Grafton Dist. 11; Gilmore of Strafford Dist. 7; Emerton of Hillsborough Dist. 6; Bartlett of Belknap Dist. 5; A. Christie of Rockingham Dist. 17; Spencer of Strafford Dist. 4; Hashem of Strafford Dist. 3; S. Green of Hillsborough Dist. 36; Clemons of Hillsborough Dist. 25; Drabinowicz of Hillsborough Dist. 32; Nielsen of Grafton Dist. 8; L. Apple of Merrimack Dist. 9; A. Smith of Rockingham Dist. 20; Searles of Hillsborough Dist. 19; Shaheen of Dist. 21; Podles of Dist. 16; Roberge of Dist. 9; Fraser of Dist. 4 - To Transportation)

**HB 621-FN**, relative to voting by absentee ballot. (Dickinson of Carroll Dist. 2; Maviglio of Belknap Dist. 4 - To Constitutional and Statutory Revision)

**HB 622-FN**, relative to a debt management plan. (Kurk of Hillsborough Dist. 3 - To Ways and Means)

**HB 623-FN**, relative to contracts negotiated by public employers. (Skinner of Rockingham Dist. 21; Kurk of Hillsborough Dist. 3; P. White of Grafton Dist. 6; D. Christy of Grafton Dist. 11 - To Municipal and County Government)

**HB 624-FN**, relative to removing candidates' signs after an election. (Kurk of Hillsborough Dist. 3 - To Constitutional and Statutory Revision)

**HB 625-FN**, relative to hearings on tax abatements for property taxes. (Malcolm of Rockingham Dist. 17 - To Municipal and County Government)

**HB 626-FN-A**, relative to a constitutional literacy exam for public officials and certain employees and making an appropriation therefor. (Ouellette of Hillsborough Dist. 48 - To Education)

**HB 627-FN**, relative to the treatment of repeat DWI offenders. (Hultgren of Hillsborough Dist. 1; Caswell of Rockingham Dist. 12; Spencer of Strafford Dist. 4; Hashem of Strafford Dist. 3; LaMar of Cheshire Dist. 16; Drabinowicz of Hillsborough Dist. 32; Barberia of Merrimack Dist. 6; Bickford of Strafford Dist. 10; Clemons of Hillsborough Dist. 25; L'Heureux of Hillsborough Dist. 13; P. Brown of Grafton Dist. 11; Nielsen of Grafton Dist. 8; L. Apple of Merrimack of Dist. 9; Searles of Hillsborough Dist. 9; Bartlett of Belknap Dist. 5; Rosen of Belknap Dist. 9; A. Smith of Rockingham Dist. 20; Hollingworth of Dist. 23; J. King of Dist. 18; Cohen of Dist. 24; Shaheen of Dist. 21 - To Judiciary)

**HB 628-FN**, relative to providing alcohol to persons under 21 years of age. (Spencer of Strafford Dist. 4; Hambrick of Strafford Dist. 4; Hashem of Strafford Dist. 3; Clemons of Hillsborough Dist. 25; Rosen of Belknap Dist. 9; A. Smith of Rockingham Dist. 20; L. Apple of Merrimack Dist. 9; Nielsen of Grafton Dist. 8; Hollingworth of Dist. 23; Cohen of Dist. 24; Pressly of Dist. 12 - To Judiciary)

**HB 629-FN**, establishing a task force on congregate housing. (A. Bourque of Hillsborough Dist. 35; Domini of Sullivan Dist. 5; O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5; K. Foster of Cheshire Dist. 17; Bowers of Hillsborough Dist. 11; V. Cook of Hillsborough Dist. 42; Blaisdell of Dist. 10; Disnard of Dist. 8; Hough of Dist. 5; Podles of Dist. 16; Dupont of Dist. 6 - To State Institutions and Housing)

**HB 630-FN**, establishing a committee to study methods of providing assistance to remove lead paint from certain homes. (Walsh of Sullivan Dist. 7; Arnesen of Grafton Dist. 7; Tetu of Sullivan Dist. 8; Hurst of Rockingham Dist. 17; Burnham of Cheshire Dist. 5; Disnard of Dist. 8 - To Children, Youth and Juvenile Justice)

**HB 631-FN**, relative to dimensions of front and rear motor vehicle bumpers. (Doucette of Cheshire Dist. 17; J. Flanders of Rockingham Dist. 10; Kingsbury of Cheshire Dist. 14; Champagne of Cheshire Dist. 17 - To Transportation)

**HB 632-FN**, relative to special education. (Skinner of Rockingham Dist. 21; Laurent of Cheshire Dist. 2 - To Education)

**HB 633-FN**, to clarify the handling of administrative fees required by local land use boards, relative to elected planning board members, and relative to the definition of "mayor" for planning and zoning purposes. (Trombly of Merrimack Dist. 4 - To Municipal and County Government)



**HB 634-FN**, to allow the Wakefield school district to withdraw from the Branch River cooperative school district. (G. Wiggin of Carroll Dist. 7; Sen. Heath of Dist. 3 - To Education)

**HB 635-FN**, establishing a study committee to review misdemeanors and misdemeanor sentencing. (Hager of Merrimack Dist. 21; Blaisdell of Dist. 10 - To Judiciary)

**HB 636-FN**, increasing witness fees and mileage. (L'Heureux of Hillsborough Dist. 13; Fields of Hillsborough Dist. 13; E. Dodge of Hillsborough Dist. 13; R. Kelley of Hillsborough Dist. 13; Rothhaus of Hillsborough Dist. 13; Roberge of Dist. 9 - To Judiciary)

**HB 637-FN**, relative to insurance fraud. (Foss of Strafford Dist. 10 - To Commerce, Small Business and Consumer Affairs)

**HB 638-FN**, relative to credit for reinsurance. (Foss of Strafford Dist. 10 - To Commerce, Small Business and Consumer Affairs)

**HB 639-FN**, establishing reuse and same use beverage container requirements. (Arnesen of Grafton Dist. 7; Walsh of Sullivan Dist. 7 - To Environment and Agriculture)

**HB 640**, relative to political contributions, write-in candidates, and distributing campaign literature at polling places. (Jacobson of Merrimack Dist. 2 - To Constitutional and Statutory Revision)

**HB 641-FN**, relative to oil spillage in surface waters or ground waters and relative to underground storage tanks. (Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

**HB 642-FN**, relative to the regulation of cable television. (Baker of Hillsborough Dist. 19; L. Smith of Hillsborough Dist. 21 - To Science, Technology and Energy)

**HB 643-FN**, relative to the recall of elected public officials. (Kurk of Hillsborough Dist. 3 - To Constitutional and Statutory Revision)

**HB 644**, allowing banks to write insurance as an agent or broker of an insurance company in certain instances. (Lozeau of Hillsborough Dist. 25 - To Commerce, Small Business and Consumer Affairs)

**HB 645-FN**, relative to the practice of architecture. (Holden of Hillsborough Dist. 9 - To Executive Departments and Administration)

**HB 646-FN**, relative to the disposal of certain solid waste products and leaf and yard waste. (A. Merrill of Strafford Dist. 4; Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HB 647-FN**, prohibiting price gouging in the sale of fuel products. (Spear of Cheshire Dist. 13; Chambers of Grafton Dist. 12; O'Rourke of Hillsborough Dist. 35; D. Cote of Hillsborough Dist. 25; Disnard of Dist. 8; Nelson of Dist. 13; Shaheen of Dist. 21; W. King of Dist. 2 - To Commerce, Small Business and Consumer Affairs)

**HB 648-FN**, relative to the industrial development authority and the housing finance authority. (Arnesen of Grafton Dist. 7; Spear of Cheshire Dist. 13; Gilmore of Strafford Dist. 7; A. Merrill of Strafford Dist. 4; Cohen of Dist. 24; W. King of Dist. 2 - To Appropriations)

**HB 649-FN**, relative to roadside litter cleanup. (J. Chandler of Merrimack Dist. 1 - To Ways and Means)

**HB 650-FN**, prohibiting advertising of tobacco products on billboards and signs. (Arnesen of Grafton Dist. 7; Copenhagen of Grafton Dist. 12; Roberge of Dist. 9; McLane of Dist. 15 - To Judiciary)

**HB 651-FN**, establishing a hazardous materials cleanup fund. (Daigle of Hillsborough Dist. 24 - To Environment and Agriculture)

**HB 652-FN**, relative to the duties of the board of tax and land appeals and the department of revenue administration. (Wadsworth of Grafton Dist. 13 - To Ways and Means)

**HB 653**, relative to defense and indemnification of state officers and employees. (Burling of Sullivan Dist. 1; W. McCann of Strafford Dist. 7 - To Legislative Administration)

**HB 654-FN**, establishing an ethics committee to regulate public officials. (McGovern of Rockingham Dist. 27; Arnesen of Grafton Dist. 7; Nelson of Dist. 13 - To Legislative Administration)

**HB 655-FN**, relative to statistical reports. (Fillion of Merrimack Dist. 15 - To Education)

**HB 656-FN**, relative to reckless conduct. (A. Bourque of Hillsborough Dist. 35; Domaingue of Hillsborough Dist. 42; J. King of Dist. 18; St. Jean of Dist. 20; Podles of Dist. 16 - To Judiciary)

**HB 657-FN**, relative to expediting the hearing procedures of the board of tax and land appeals. (Kurk of Hillsborough Dist. 3 - To Executive Departments and Administration)

**HB 658-FN**, relative to uninsured or hit-and-run motor vehicle coverage. (Fair of Merrimack Dist. 7 - To Commerce, Small Business and Consumer Affairs)

**HB 659-FN**, relative to legal representation in eviction proceedings. (Ouellette of Hillsborough Dist. 48 - To State Institutions and Housing)

**HB 660-FN-A**, establishing a highway betterment program and making an appropriation therefor. (LaMott of Grafton Dist. 5 - To Public Works)

**HB 661-FN**, allowing annulments of criminal records of persons who served a term of imprisonment. (Stamatakis of Sullivan Dist. 4 - To Judiciary)

**HB 662-FN**, to establish a joint legislative oversight committee on New Hampshire retirement system funds. (LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35; Peyron of Sullivan Dist. 2 - To Executive Departments and Administration)

**HB 663-FN-A**, establishing a pilot project in the Sullivan county superior court to train volunteer attorneys to serve as mediators and making an appropriation therefor. (Peyron of Sullivan Dist. 2; B. Packard of Hillsborough Dist. 15; Schotanus of Sullivan Dist. 1; Stamatakis of Sullivan Dist. 4; Bell of Rockingham Dist. 26 - To Judiciary)

**HB 664-FN**, relative to illegal possession of alcohol. (G. Merrill of Coos Dist. 1 - To Judiciary)

**HB 665-FN**, prohibiting the use of computer-generated telephone calls for solicitation purposes. (Walsh of Sullivan Dist. 7 - To Science, Technology and Energy)

**HB 666-FN**, relative to protection and control of municipal highways. (Musler of Strafford Dist. 3 - To Municipal and County Government)

**HB 667-FN**, relative to clean-up of health nuisances. (Haettenschwiller of Hillsborough Dist. 28 - To Health, Human Services and Elderly Affairs)

**HB 668-FN**, making theft of a motor vehicle a misdemeanor. (Wright of Hillsborough Dist. 18; Elliott of Hillsborough Dist. 2; Barberia of Merrimack Dist. 6 - To Judiciary)

**HB 669-FN**, relative to the borrowing authority of the state treasurer. (Kurk of Hillsborough Dist. 3 - To Appropriations)

**HB 670-FN**, relative to condominium conversion of manufactured housing parks. (Soldati of Merrimack Dist. 19; D. Cote of Hillsborough Dist. 25; Whitcomb of Grafton Dist. 1; Disnard of Dist. 8; Shaheen of Dist. 21 - To State Institutions and Housing)

**HB 671-FN-A**, increasing the gasoline tax and earmarking the percentage increase in the gasoline tax for mass transit, elderly, and handicapped transportation purposes. (Nardi of Hillsborough Dist. 35; Copenhaver of Grafton Dist. 12; Klemarczyk of Rockingham Dist. 13; Adams of Grafton Dist. 13; Senter of Rockingham Dist. 9; Cohen of Dist. 24 - To Public Works)

**HB 672-FN**, relative to standards for fire safety for community living facilities. (Senter of Rockingham Dist. 9; Soldati of Merrimack Dist. 19 - To Public Protection and Veterans Affairs)

**HB 673-FN**, reinstating the charter of Capital Leasing Company, Inc. (Teague of Merrimack Dist. 18 - To Constitutional and Statutory Revision)

**HB 674 FN**, designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers. (Maviglio of Belknap Dist. 1; Metzger of Cheshire Dist. 11; Salatiello of Belknap Dist. 3; Lewis of Merrimack Dist. 5; McLane of Dist. 15 - To Resources, Recreation and Development)

**HB 675-FN**, relative to DWI penalties while operating a motor vehicle, OHRV, or boat or while transporting a child. (R. Foster of Carroll Dist. 4; Daly of Carroll Dist. 3 - To Judiciary)

**HB 676-FN**, relative to notice of discontinuance of class IV, V or VI highways. (J. Chandler of Merrimack Dist. 1; Metzger of Cheshire Dist. 11; J. Johnson of Merrimack Dist. 11; E. Chandler of Merrimack Dist. 1; Currier of Dist. 7 - To Public Works)

**HB 677-FN**, establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases. (Murphy of Hillsborough Dist. 40; W. Johnson of Merrimack Dist. 5; Burling of Sullivan Dist. 1; Chambers of Grafton Dist. 12; Jacobson of Merrimack Dist. 2; Podles of Dist. 16; Bass of Dist. 11; Nelson of Dist. 13; J. King of Dist. 18; Hollingworth of Dist. 23 - To Judiciary)

**HB 678-FN**, relative to job security. (Pelley of Strafford Dist. 10 - To Labor, Industrial and Rehabilitative Services)

**HB 679-FN**, relative to New Hampshire compliance with the Clean Air Act. (E. Greene of Rockingham Dist. 18; B. McCann of Hillsborough Dist. 31 - To Environment and Agriculture)

**HB 680-FN**, relative to manufactured housing on the land of another. (Daniels of Hillsborough Dist. 10; Conroy of Rockingham Dist. 7; Barberia of Merrimack Dist. 6; D. Dow of Grafton Dist. 8 - To Municipal and County Government)

**HB 681-FN**, relative to a private property protection act. (Daniels of Hillsborough Dist. 10; Kurk of Hillsborough Dist. 3; B. McCann of Hillsborough Dist. 31; Nielsen of Grafton Dist. 8; Podles of Dist. 16 - To Judiciary)

**HB 682-FN**, relative to field purchase orders in the department of administrative services. (R. Kelley of Hillsborough Dist. 13; B. Gage of Rockingham Dist. 20; Pelley of Strafford Dist. 10 - To Executive Departments and Administration)

**HB 683-FN-A**, establishing a transportation task force for the twenty-first century and making an appropriation therefor. (Marsh of Coos Dist. 1 - To Transportation)

**HB 684-FN-A**, regarding the committee to study conservation and preservation of state historic flags and making an appropriation therefor. (Wall of Strafford Dist. 4; Parr of Rockingham Dist. 17; Sallada of Hillsborough Dist. 4; Hoar of Rockingham



Dist. 6; Heath of Dist. 3; W. King of Dist. 2 - To Public Protection and Veterans Affairs)

**HB 685-FN**, relative to the fiscal note process. (Kurk of Hillsborough Dist. 3 - To Legislative Administration)

**HB 686-FN-A**, establishing a trauma care registry and making an appropriation therefor. (Cowenhoven of Hillsborough Dist. 9; Copenhaver of Grafton Dist. 12; Currier of Dist. 7; Podles of Dist. 16 - To Health, Human Services and Elderly Affairs)

**HB 687-FN**, relative to medicare balance charges. (Soldati of Merrimack Dist. 19; L. Boucher of Merrimack Dist. 9; Senter of Rockingham Dist. 9; O'Brien of Strafford Dist. 10; Parr of Rockingham Dist. 17; W. King of Dist. 2; J. King of Dist. 18 - To Health, Human Services and Elderly Affairs)

**HB 688**, relative to the Mount Washington Regional and the Berlin Municipal Airports. (Nelson of Coos Dist. 8; Kilbride of Coos 8; Theriault of Coos Dist. 8; Coulombe of Coos Dist. 8; Hawkinson of Coos Dist. 8 - To Public Works)

**HB 689-FN**, relative to administrative motor vehicle license revocation. (Spencer of Strafford Dist. 4; Gilmore of Strafford Dist. 7; Searles of Hillsborough Dist. 19; Hurst of Rockingham Dist. 17; Hashem of Strafford Dist. 3; Drabinowicz of Hillsborough Dist. 32; Rosen of Belknap Dist. 9; A. Smith of Rockingham Dist. 20; J. King of Dist. 18; Pressly of Dist. 12; Fraser of Dist. 4; Cohen of Dist. 24; Roberge of Dist. 9 - To Judiciary)

**HB 690-FN**, relative to a supplemental property tax. (Katsakiores of Rockingham Dist. 7; Emerton of Hillsborough Dist. 6; Keith of Rockingham Dist. 7; Dowling of Rockingham Dist. 7 - To Municipal and County Government)

**HB 691-FN**, relative to licensing and certification of real estate appraisers. (Emerton of Hillsborough Dist. 6 - To Executive Departments and Administration)

**HB 692-FN**, relative to reinsurance intermediaries. (Foss of Strafford Dist. 10 - To Commerce, Small Business and Consumer Affairs)

**HB 693-FN**, relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses. (Jasper of Hillsborough Dist. 19; Record of Hillsborough Dist. 23; Searles of Hillsborough Dist. 19; Lachut of Hillsborough Dist. 1 - To Judiciary)

**HB 694-FN**, relative to mandatory automobile insurance. (LaMar of Cheshire Dist. 16; Arnesen of Grafton Dist. 7; Kurk of Hillsborough Dist. 3; Fraser of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

**HB 695-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks. (Lozeau of Hillsborough Dist. 25; Nelson of Dist. 13 - To State Institutions and Housing)

**HB 696-FN**, relative to penalties for the sale and distribution of tobacco products to minors. (A. Bourque of Hillsborough Dist. 35; Copenhaver of Grafton Dist. 12; V. Cook of Hillsborough Dist. 42; Haettenschwiller of Hillsborough Dist. 28; Bowers of Hillsborough Dist. 11; Roberge of Dist. 9 - To Children, Youth and Juvenile Justice)

**HB 697-FN**, relative to compliance with local codes and zoning ordinances and the operation of child day care agencies. (Searles of Hillsborough Dist. 19; Emerton of Hillsborough Dist. 6; McLane of Dist. 15 - To Municipal and County Government)

**HB 698-FN**, relative to debt collection agencies and consumer credit reporting agencies. (Rosencrantz of Rockingham Dist. 15 - To Commerce, Small Business and Consumer Affairs)



**HB 699-FN**, relative to solid waste reduction. (B. Hall of Hillsborough Dist. 16 - To Environment and Agriculture)

**HB 700-FN**, relative to highway planning corridors. (Marsh of Coos Dist. 1; G. Chandler of Carroll Dist. 1; Wadsworth of Grafton Dist. 13; Roberge of Dist. 9; Dupont of Dist. 6; Nelson of Dist. 13 - To Public Works)

**HB 701-FN**, relative to protecting personal privacy. (Record of Hillsborough Dist. 23; Kurk of Hillsborough Dist. 3; Gross of Merrimack Dist. 16; D. Cote of Hillsborough Dist. 25; J. King of Dist. 18 - To Judiciary)

**HB 702**, relative to designated smoking sections in public buildings. (LaMott of Grafton Dist. 5; Pepino of Hillsborough Dist. 37; O'Rourke of Hillsborough Dist. 35 - To Commerce, Small Business and Consumer Affairs)

**HB 703-FN**, relative to the negligent discharge of firearms. (Perham of Hillsborough Dist. 10; R. Foster of Carroll Dist. 10 - To Fish and Game)

**HB 704**, relative to liquidation under the supervision of the bank commissioner. (B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 705-FN-A**, establishing the New Hampshire scenic byways planning program. (Dickinson of Carroll Dist. 2; Lewis of Merrimack Dist. 5; Maviglio of Belknap Dist. 1; G. Chandler of Carroll Dist. 1 - To Resources, Recreation and Development)

**HB 706-FN**, relative to the allowable length of semi-trailers. (D. Wheeler of Hillsborough Dist. 10 - To Transportation)

**HB 707-FN**, relative to contracts for services other than counsel. (Gross of Merrimack Dist. 16; Sytek of Rockingham Dist. 20 - To Judiciary)

**HB 708-FN**, relative to reckless conduct. (D. Wheeler of Hillsborough Dist. 10 - To Judiciary)

**HB 709-FN**, establishing a study committee relative to clearcutting forest resources. (G. Dodge of Carroll Dist. 2; Dickinson of Carroll Dist. 2; J. Chandler of Merrimack Dist. 1; Schotanus of Sullivan Dist. 1; W. King of Dist. 2; Oleson of Dist. 1 - To Resources, Recreation and Development)

**HB 710-FN**, relative to the regulation of tree stands, observation blinds, and pit blinds. (Hoar of Rockingham Dist. 6 - To Fish and Game)

**HB 711-FN**, extending the reporting date for the committee to study child care in public and private sector buildings. (Searles of Hillsborough Dist. 19; Emerton of Hillsborough Dist. 6; McLane of Dist. 15 - To Children, Youth and Juvenile Justice)

**HB 712-FN**, relative to access to health care for the uninsured. (Fair of Merrimack Dist. 7; Bell of Rockingham Dist. 26; Trombly of Merrimack Dist. 4; K. Foster of Cheshire Dist. 17 - To Health, Human Services and Elderly Affairs)

**HB 713-FN**, relative to the general counsel of the public utilities commission. (Rodeschin of Sullivan Dist. 2 - To Executive Departments and Administration)

**HB 714-FN**, relative to life saving identification labels. (Lefebvre of Hillsborough Dist. 29 - To Resources, Recreation and Development)

**HB 715-FN**, relative to the right to jury trial in civil cases. (Lown of Hillsborough Dist. 9 - To Judiciary)

**HB 716-FN**, relative to site assessment studies of developed properties with sewage disposal systems. (Roulston of Rockingham Dist. 20; Maviglio of Belknap Dist. 1 - To Resources, Recreation and Development)

**HB 717-FN**, permitting the designation by a vehicle owner of a vehicle's recipient upon the owner's death. (Jacobson of Merrimack Dist. 2 - To Transportation)

**HB 718-FN**, relative to improving access to health insurance coverage for employees of small and moderate sized businesses. (Parks of Strafford Dist. 6; Kurk of Hillsborough Dist. 3 - To Commerce, Small Business and Consumer Affairs)

**HB 719-FN**, establishing an assessment on DWI-related license restorations. (Hashem of Strafford Dist. 3; Spencer of Strafford Dist. 4; Bickford of Strafford Dist. 10; Nielsen of Grafton Dist. 8; L. Apple of Merrimack Dist. 9; Barberia of Merrimack Dist. 6; Ferlan of Hillsborough Dist. 24; Clemons of Hillsborough Dist. 25; Searles of Hillsborough Dist. 19; Rosen of Belknap Dist. 9; Roberge of Dist. 9; Pressly of Dist. 12; Cohen of Dist. 24; Hollingworth of Dist. 23; Shaheen of Dist. 21 - To Transportation)

**HB 720-FN**, relative to fireworks. (Pantelakos of Rockingham Dist. 24; Malcolm of Rockingham Dist. 17; Vaughn of Rockingham Dist. 27; A. Christie of Rockingham Dist. 17; Chasse of Hillsborough Dist. 27; Cohen of Dist. 24; Hollingworth of Dist. 23 - To Public Protection and Veterans Affairs)

**HB 721-FN-A**, relative to hiring additional weights and measures inspectors and making an appropriation therefor. (M. Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

**HB 722-FN**, relative to the control and regulation of billboards and other advertising devices and establishing an outdoor advertising study committee. (Dickinson of Carroll Dist. 2; Lewis of Merrimack Dist. 5; McLane of Dist. 15 - To Resources, Recreation and Development)

**HB 723-FN**, relative to Concord - state cooperation. (Stio of Merrimack Dist. 5; Gross of Merrimack Dist. 16; Fillion of Merrimack Dist. 15; McLane of Dist. 15 - To Public Works)

**HB 724-FN**, requiring a waiting period for certain applicants for public assistance. (Ziegra of Belknap Dist. 6; Maviglio of Belknap Dist. 1; Fraser of Dist. 4 - To Municipal and County Government)

**HB 725-FN**, relative to requiring public assistance recipients to work. (Ouellette of Hillsborough Dist. 48; Jasper of Hillsborough Dist. 19; D. Wheeler of Hillsborough Dist. 10 - To Health, Human Services and Elderly Affairs)

**HB 726-FN-A**, relative to vital records and continually appropriating a fund for records automation. (W. McCain of Rockingham Dist. 11; Fraser of Dist. 4 - To Health, Human Services and Elderly Affairs)

**HB 727-FN**, relative to DWI testing, penalties for drug possession in a motor vehicle, motor vehicle equipment and technical corrections in certain motor vehicle laws. (Haynes of Rockingham Dist. 9; Searles of Hillsborough Dist. 19 - To Judiciary)

**HB 728-FN**, relative to eliminating state-funded DWI offender rehabilitation programs and ordering minors to attend alcohol education programs. (Chase of Rockingham Dist. 28; Pantelakos of Rockingham Dist. 24 - To Judiciary)

**HB 729-FN**, placing New Hampshire public elementary and secondary schools under state administration and control. (Jacobson of Merrimack Dist. 2; Currier of Dist. 7 - To Education)

**HB 730-FN**, imposing a fee on all motor vehicles and granting certain rulemaking authority to the division of air resources. (E. Greene of Rockingham Dist. 18; B. McCann of Hillsborough Dist. 31 - To Environment and Agriculture)

**HB 731-FN**, to move liquor licensing and enforcement to the department of safety. (Malcolm of Rockingham Dist. 17; A. Christie of Rockingham Dist. 17 - To Regulated Revenues)

**HB 732-FN**, relative to the sale of fireworks and levying a tax thereon. (W. Boucher of Rockingham Dist. 23; S. Packard of Rockingham Dist. 23 - To Public Protection and Veterans Affairs)

**HB 733-FN**, establishing a study committee to study public assistance. (Ouellette of Hillsborough Dist. 48 - To Health, Human Services and Elderly Affairs)

**HB 734-FN-A**, relative to a 2 percent state income tax and making an appropriation therefor. (W. Riley of Cheshire Dist. 5 - To Ways and Means)

**HB 735-FN-A**, establishing a solid waste cleanup fund and continually appropriating it to the division of waste management. (Tarpley of Hillsborough Dist. 9; Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HB 736-FN**, relative to energy facility siting, licensing and operation. (Rodeschin of Sullivan Dist. 2; Dupont of Dist. 6 - To Science, Technology and Energy)

**HB 737-FN-A**, abolishing the university system of New Hampshire fund, requiring the state to guarantee student loans, and appropriating amount needed to repay defaulted loans. (T. Christie of Merrimack Dist. 9 - To Education)

**HB 738-FN**, relative to filling vacancies in certain offices. (Flanagan of Rockingham Dist. 8; Dube of Rockingham Dist. 9; P. White of Grafton Dist. 6; Gilmore of Strafford Dist. 7; Holden of Hillsborough Dist. 9 - To Constitutional and Statutory Revision)

**HB 739-FN**, relative to the form of presidential primary election ballots. (Holden of Hillsborough Dist. 9 - To Constitutional and Statutory Revision)

**HB 740-FN**, relative to campaign expenditures. (Flanagan of Rockingham Dist. 8; Holden of Hillsborough Dist. 9 - To Constitutional and Statutory Revision)

**HB 741-FN**, relative to project funding at the university of New Hampshire. (Millard of Merrimack Dist. 4 - To Education)

**HB 742-FN**, relative to excavation. (B. Hall of Hillsborough Dist. 16; Wall of Strafford Dist. 4; Durham of Hillsborough Dist. 18; K. Wheeler of Strafford Dist. 4; Hambrick of Strafford Dist. 4; Shaheen of Dist. 21 - To Environment and Agriculture)

**HB 743-FN**, relative to listing representatives to the general court on the ballot. (Lozeau of Hillsborough Dist. 25 - To Constitutional and Statutory Revision)

**HB 744-FN**, relative to restricting all town and district regular business meetings and elections from being held on biennial election day. (Krueger of Sullivan Dist. 6 - To Constitutional and Statutory Revision)

**HB 745-FN**, relative to sewage disposal systems. (Dowling of Rockingham Dist. 7 - To Resources, Recreation and Development)

**HB 746-FN**, relative to fees for recording certain documents with town or city clerks. (Klemarczyk of Rockingham Dist. 13; Emerton of Hillsborough Dist. 6; Letourneau of Merrimack Dist. 8; Senter of Rockingham Dist. 9 - To Municipal and County Government)

**HB 747-FN**, relative to liquor stores. (Pelley of Strafford Dist. 10 - To Regulated Revenues)

**HB 748-FN**, relative to health insurance benefits for mental health admission to general hospitals. (Foster of Carroll Dist. 4 - To Commerce, Small Business and Consumer Affairs)

**HB 749-FN**, establishing a packaging reduction and recycling act. (Arnesen of Grafton Dist. 7; Walsh of Sullivan Dist. 7 - To Environment and Agriculture)

**HB 750-FN**, establishing a waste tire management program and delineating a preference for rubberized asphalt paving. (Arnesen of Grafton Dist. 7; Gilmore of Strafford Dist. 7)



ford Dist. 7; Walsh of Sullivan Dist. 7; Burnham of Cheshire Dist. 5; Disnard of Dist. 8 - To Environment and Agriculture)

**HB 751-FN**, concerning the procedure for local enforcement of certain state environmental laws. (Trombly of Merrimack Dist. 4 - To Municipal and County Government)

**HB 752-FN**, prohibiting merchants from requiring the recording of a credit card number or expiration date as a condition for check cashing or acceptance. (B. Packard of Hillsborough Dist. 35; Searles of Hillsborough Dist. 19; Fair of Merrimack Dist. 7; Chambers of Grafton Dist. 12; Guay of Coos Dist. 7 - To Commerce, Small Business and Consumer Affairs)

**HB 753-FN**, redefining compost and encouraging state agencies to utilize New Hampshire-produced compost when appropriate. (A. Merrill of Strafford Dist. 4; Burnham of Cheshire Dist. 5 - To Environment and Agriculture)

**HB 754-FN**, relative to the duties of the secretary of state, the election laws, and certain miscellaneous statutes. (Gilmore of Strafford Dist. 7 - To Constitutional and Statutory Revision)

**HB 755-FN-A**, relative to a limited liability company act and appropriating funds for administration. (Mercer of Hillsborough Dist. 23; Delahunty of Dist. 22 - To Judiciary)

**HB 756-FN**, relative to a victims' bill of rights. (Spear of Cheshire Dist. 13; Chambers of Grafton Dist. 12; Gross of Merrimack Dist. 16; Spencer of Strafford Dist. 4; Hashem of Strafford Dist. 3; Drabinowicz of Hillsborough Dist. 32; Barberia of Merrimack Dist. 6; Ferlan of Hillsborough Dist. 24; Allison of Sullivan Dist. 7; Hultgren of Hillsborough Dist. 1; Bickford of Strafford Dist. 20; Hurst of Rockingham Dist. 17; P. Brown of Grafton Dist. 11; Clemons of Hillsborough Dist. 24; Dupont of Dist. 6; Disnard of Dist. 8 - To Judiciary)

**HB 757-FN**, relative to licenses for employment offices. (Hayes of Merrimack Dist. 21 - To Executive Departments and Administration)

**HB 758-FN**, relative to the right to privacy act. (Martling of Strafford Dist. 4 - To Judiciary)

**HB 759-FN**, relative to setting tax rates in municipalities based on the gross income of the residents. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

**HB 760-FN**, requiring state universities and colleges to sell condoms on campus. (DePecol of Cheshire Dist. 12; Doucette of Cheshire Dist. 17 - To Education)

**HB 761-FN**, transferring ownership of certain state land. (Gross of Merrimack Dist. 16 - To Public Works)

**HB 762-FN**, to incorporate the inhabitants of the northeasterly part of Laconia into a separate town to be known as Weirs Beach, with all the privileges and immunities of other towns in this state. (Rosen of Belknap Dist. 9; B. Gage of Rockingham Dist. 20; J. Flanders of Rockingham Dist. 10; Heath of Dist. 3; Currier of Dist. 7 - To Municipal and County Government)

**HB 763-FN-A**, to fund state aid to education, to provide for property tax relief for cities and towns and individuals, to amend the state tax structure, and making an appropriation therefor. (D. Hall of Merrimack Dist. 7; Arnesen of Grafton Dist. 7; Teague of Merrimack Dist. 18; Spencer of Strafford Dist. 4; Hough of Dist. 5; Blaisdell of Dist. 10; McLane of Dist. 15; Disnard of Dist. 8 - To Ways and Means)

**HB 764-FN**, relative to taxation of special fuel and motor fuel. (Allard of Carroll Dist. 2; G. Chandler of Carroll Dist. 1; Heath of Dist. 3 - To Public Works)



**HB 765-FN**, requiring the state to pay the city of Concord for services rendered for fire and police coverage. (Dunn of Merrimack Dist. 21; Wallner of Merrimack Dist. 21; McLane of Dist. 15 - To Public Works)

**HB 766-FN**, requiring parental consent before certain procedures may be performed on minors. (T. Christie of Merrimack Dist. 9 - To Judiciary)

**HB 767-FN**, relative to access to group health insurance policies. (Trombly of Merrimack Dist. 4 - To Commerce, Small Business and Consumer Affairs)

**HB 768-FN**, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefits. (Skinner of Rockingham Dist. 21; Mercer of Hillsborough Dist. 23 - To Labor, Industrial and Rehabilitative Services)

**HB 769-FN**, relative to licensing and the board of optometry. (B. Packard of Hillsborough Dist. 15 - To Health, Human Services and Elderly Affairs)

**HB 770-FN-A**, establishing casino gambling and off-track betting in New Hampshire and making an appropriation therefor. (T. Christie of Merrimack Dist. 9 - To Regulated Revenues)

**HB 771-FN**, relative to consecutive sentencing in county correctional facilities. (Record of Hillsborough Dist. 23 - To Judiciary)

**HB 772-FN**, exempting land at aeronautical facilities from taxation. (B. McCann of Hillsborough Dist. 31 - To Municipal and County Government)

**HB 773-FN**, requiring partner notification. (D. Wheeler of Hillsborough Dist. 10; Dickinson of Carroll Dist. 2; Ouellette of Hillsborough Dist. 48; Feuer of Cheshire Dist. 4; Podles of Dist. 16 - To Health, Human Services and Elderly Affairs)

**HB 774-FN**, relative to charter commission membership and procedure. (Emerton of Hillsborough Dist. 6 - To Municipal and County Government)

**HB 775-FN**, relative to social security cost-of-living increases to certain recipients of assistance. (Arnesen of Grafton Dist. 7; Elliott of Hillsborough Dist. 2; D. Dow of Grafton Dist. 8 - To Health, Human Services and Elderly Affairs)

**HB 776-FN**, establishing a household hazardous waste management program and advisory committee and a consumer education program on household hazardous wastes. (A. Merrill of Strafford Dist. 4; Rep. Maviglio of Belknap Dist. 1 - To Environment and Agriculture)

**HB 777-FN**, relative to the New Hampshire Electrical Cooperative and establishing a committee to study the rate structure of New Hampshire electrical cooperative and certain wholesale electric customers. (Stamatakis of Sullivan Dist. 4; Maviglio of Belknap Dist. 1; Nielsen of Grafton Dist. 8; J. Chandler of Merrimack Dist. 1 - To Science, Technology and Energy)

**HB 778-FN**, relative to the laws against discrimination. (L. Johnson of Hillsborough Dist. 37 - To State Institutions and Housing)

**HB 779-FN**, granting the parents of school children who attend a school other than the public school assigned to the child, an education voucher issued by the state. (McRae of Hillsborough Dist. 6; Hunt of Cheshire Dist. 9; Alukonis of Hillsborough Dist. 19 - To Education)

**HB 780-FN**, relative to the water treatment plant operator certification program. (Lewis of Merrimack Dist. 5; Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

**HB 781-FN**, relative to extending foster care and establishing a uniform cut-off date for school children. (Hutchinson of Rockingham Dist. 23; Holmes of Merrimack Dist. 13 - To Children, Youth and Juvenile Justice)

**HB 782-FN**, renaming the Piscataqua River bridge. (Chase of Rockingham Dist. 28 - To Public Works)

**CACR 5**, relating to right to counsel. Providing that the state shall not be required to provide legal representation for indigent persons charged with a second or subsequent DWI or drug offense. (J. Flanders of Rockingham Dist. 10 - To Constitutional and Statutory Revision)

**CACR 6**, relating to taxation of business income and revenue. Providing that taxes of any type may be imposed on the income or revenue of businesses. (Kurk of Hillsborough Dist. 3 - To Ways and Means)

**CACR 7**, relating to the incompatibility of holding a state office and being called up for temporary military active duty. Providing that members of military reserves and national guard units occasionally called upon in an emergency shall be allowed to hold state offices. (Welch of Rockingham Dist. 10; Burns of Coos Dist. 5; Gross of Merrimack Dist. 16; Dupont of Dist. 6; Delahunty of Dist. 22 - To Constitutional and Statutory Revision)

**CACR 8**, relating to conscientious objection to the method and content of education. Providing that no person shall be compelled to send any child for whom such person is legally responsible to any school to which such person may be conscientiously opposed. (Ouellette of Hillsborough Dist. 48; Rothhaus of Hillsborough Dist. 13; Welch of Rockingham Dist. 10 - To Constitutional and Statutory Revision)

**CACR 9**, relating to revenue raised through a personal income tax. Providing that each year at least 75 percent of all general fund revenues resulting from any personal income tax be returned to the cities, towns, school districts, counties, and property taxpayers to assist in property tax relief. (Arnesen of Grafton Dist. 7; Spencer of Strafford Dist. 4; D. Hall of Merrimack Dist. 7; Teague of Merrimack Dist. 18; McLane of Dist. 15; Hough of Dist. 5; Blaisdell of Dist. 10; Disnard of Dist. 8 - To Constitutional and Statutory Revision)

**CACR 10**, relating to making the position of attorney general an elected position. Providing that the attorney general be elected for a term coterminous with that of the governor; and vacancies in the office of attorney general be filled by an interim successor appointed by the governor and council. (Burling of Sullivan Dist. 1; Spear of Cheshire Dist. 13; Champagne of Cheshire Dist. 17; Hollingworth of Dist. 23; Cohen of Dist. 24 - To Constitutional and Statutory Revision)

**CACR 11**, relating to jury trials in civil cases. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of a number of persons to be determined by the legislature. (Murphy of Hillsborough Dist. 40; Sytek of Rockingham Dist. 20; Burling of Sullivan Dist. 1; Jacobson of Merrimack Dist. 2; Chambers of Grafton Dist. 12; Disnard of Dist. 8; J. King of Dist. 18; Bass of Dist. 11; Hollingworth of Dist. 23 - To Judiciary)

**CACR 12**, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court. (S. Cole of Cheshire Dist. 10; Warburton of Rockingham Dist. 6; F. Riley of Hillsborough Dist. 44; Welch of Rockingham Dist. 10 - To Constitutional and Statutory Revision)

**HCR 10**, requesting Congress to propose an amendment to the United States Constitution prohibiting unfunded federal mandates. (Elliott of Hillsborough Dist. 2; R. Hawkins of Belknap Dist. 5; D. Dow of Grafton Dist. 8; Ouellette of Hillsborough Dist. 48 - To State-Federal Relations)

**HCR 11**, relative to abortion drug RU486. (Gilmore of Strafford Dist. 7; K. Wheeler of Strafford Dist. 4; Burling of Sullivan Dist. 1; McLane, Dist. 15 - To Health, Human Services and Elderly Affairs)

**HJR 3**, requesting the university cooperative extension service to continue to work with the governor's commission on the 21st century. (S. Cole of Cheshire Dist. 10; Disnard of Dist. 8 - To Health, Human Services and Elderly Affairs)

**HJR 4**, relative to providing access to Flat Mountain Pond for members of the public. (W. Boucher of Rockingham Dist. 23; Heath of Dist. 3 - To State-Federal Relations)

**HBI 3**, relating to purchases from beer distributors. (Dickinson of Carroll Dist. 2 - To Regulated Revenues)

#### RECESS

Rep. Michael Hill moved that the House adjourn.  
Adopted.

**HOUSE JOURNAL No. 5**

Tuesday, February 12, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairisto.

Almighty and gracious God, our creator, sustainer, and redeemer, we praise You for the gifts of life and the call of duty. Be with this body today, we pray. As its members consider important matters of finance and law, give to them a sense of fairness, of compassion, and of right priorities, that all they do will properly serve the citizens of this state. Amen.

Rep. Doucette led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Parr, Jelley, Wihby, and Bernard, the day, illness.

Reps. Jordan, Hashem, Trelfa, Schmidchen, Alukonis, Gerald Merrill, Fillion and David Young (military service), the day, important business.

Rep. Warburton, the day, death in the family.

Rep. Whittemore, the day, illness in the family.

**INTRODUCTION OF GUESTS**

New Hampshire Extension Homemakers, guests of Rep. Burns. Ruth Liberty, Doris MacIntyre, Elizabeth Hummel, and Elizabeth Ahrens, guests of the Merrimack Town Delegation. Sandra Roulston and Shannon Roulston-Wilson, wife and daughter of Rep. Roulston. Al Dupont, guest of Rep. Romeo Jean. Alan Hamilton, guest of Rep. Kinney. Christopher Calabro, grandson of Rep. MacKinnon. The New Hampshire Federation of Republican Women's Club Officers and standing Committee Chairmen, guests of Reps. Holden, Flanagan and Skinner. Esther H. Christy and homeworkers from Canaan, guests of Reps. Patricia Brown, C. Dana Christy and Scanlan. Martin Boermeester, guest of Rep. Barberia.

**SENATE MESSAGE****CONCURRENCE**

**HCR 4**, supporting the U.S. troops in the Persian Gulf.

**COMMITTEE APPOINTMENT**

Rep. Garret P. Cowenhoven was appointed to the Committee on Ways and Means.

**EXTENSIONS**

The Committee on Environment and Agriculture requested a seven-calendar-day extension HB 114, relative to the date for terminating the motor vehicle emissions inspection program.

The Committee on Resources, Recreation and Development requested a seven-calendar-day extension on HB 136, relative to current use assessments and the land use change tax.

The Committee on Children, Youth and Juvenile Justice requested a 14-calendar-day extension on HB 128, excluding certain types of violations by persons 16 years of age or over from the application of laws regarding children in need of services.

Granted.



### VACATES

Rep. Rodeschin moved that the House vacate the reference of **HB 376-FN**, applying hazardous waste generator fees to hazardous waste destined for off-site recycling to the Committee on Science, Technology and Energy.

Adopted and referred to Environment and Agriculture.

Rep. Robert Kelley moved that the House vacate the reference of **HB 353-FN**, to tax smokeless tobacco, to the Committee on Regulated Revenues.

Adopted and referred to Ways and Means.

Rep. William McCain moved that the House vacate the reference of **HB 455**, relative to determination of amount of alimony awards, to the Committee on Children, Youth and Juvenile Justice.

Adopted and referred to Judiciary.

Rep. Gross moved that the House vacate the reference of **HB 392-FN**, relative to payment of child support, to the Committee on Health, Human Services and Elderly Affairs.

Adopted and referred to Children, Youth and Juvenile Justice.

Rep. Gross moved that the House vacate the reference of **HB 423-FN**, making an appropriation for health services for young children, to the Committee on Health, Human Services and Elderly Affairs.

Adopted and referred to Children, Youth and Juvenile Justice.

Rep. Gross moved that the House vacate the reference of **HR 15**, urging the United States Congress to allow Regional Bell Operating Companies to promote the use of electronic telephone directories, to the Committee on State-Federal Relations.

Adopted and referred to Science, Technology and Energy.

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 154**, relative to electing Belknap county commissioners and relative to printing county convention proceedings in Belknap county, was removed at the request of Rep. Rice.

**HB 222**, requiring certain persons to complete a hunter education program, was removed at the request of Rep. William McCann.

Consent Calendar adopted.

**HB 106-FN**, establishing a committee to study the feasibility of an enhanced state-wide uniform emergency 911 telephone system. **OUGHT TO PASS WITH AMENDMENT.**

The Committee feels this is a much needed service for the state. Vote 11-0. Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs.

### Amendment

Amend section 1 of the bill by replacing all after paragraph VI with the following:

VII. One member of the emergency medical service coordinating board, appointed by the board.

VIII. One member appointed by New England Telephone Company.

IX. One member representing an independent telephone company, appointed by the New Hampshire Telephone Association.

X. One representative of the New Hampshire Municipal Association, appointed by such association.

XI. One representative of the department of safety, appointed by the governor and council.

XII. One public utilities commissioner, appointed by the governor and council.

XIII. One member of the E-911 Task Force, appointed by such organization.

XIV. One member from the bureau of emergency medical services, appointed by the director of the division of public health services.

XV. One public member, appointed by the governor and council.

XVI. One member of the New Hampshire Police Association, appointed by such association.

XVII. One member of the New Hampshire Professional Firefighters Association, appointed by such association.

Amend the bill by replacing all after section 2 with the following:

3 Duties; Report. The committee shall study the issues involved in delivering enhanced emergency 911 service to the citizens of New Hampshire. The committee shall report its findings to the governor, the governor's council, the senate president, and the speaker of the house on or before November 1, 1991.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of an enhanced statewide uniform emergency 911 telephone system. The committee shall report its findings to the governor, the governor's council, the senate president and the speaker of the house on or before November 1, 1991.

**HB 223-FN**, limiting the interest rate on consumer credit cards to the highest interest rate allowed by a bordering state. **INEXPEDIENT TO LEGISLATE**.

This bill was introduced to deal with a closed-end type of credit issued by a farm machinery franchiser in New Hampshire. The ultimate effect of the bill would be to penalize the average consumer's right to affordable consumer credit through the use of general issue credit cards as we know them. It also would affect negatively both vacation oriented and commercial business in the state. Only 25 percent of credit cards used in New Hampshire would be impacted. In the best interest of the New Hampshire consumer and New Hampshire merchants, the corporation should rethink its competitive position in relation to the rest of New England. Vote 11-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

**HB 142-FN**, relative to school district budgets. **OUGHT TO PASS WITH AMENDMENT**. This bill, as amended, is a housekeeping measure recommended by the Department of Education which adjusts the current law to reflect existing practice of all single district school administrative units, whose budget shall be part of a school district budget subject to the vote of the annual school district meeting. Vote 18-0. Rep. Leo J. Spencer for Education.

#### Amendment

Amend RSA 189:47, I as inserted by section 1 by replacing it with the following:

**I.** At a meeting held before January 1 of each year, the school administrative unit board shall adopt a budget required for the expenses of the school administrative unit

for the next fiscal year, which budget may include the salary and expenses of supervisors of health, physical education, music, art, and guidance, and any other employees, and shall include the expenses necessary for the operation of the school administrative unit. Superintendents, assistant superintendents, business administrators, teacher consultants, and the regularly employed office personnel of the school administrative unit office shall be deemed employees of the school administrative unit insofar as payment of salaries and contributions to the employee's retirement system of the state of New Hampshire and workers' compensation are concerned. The school administrative unit board shall apportion the total amount of the budget among the constituent school districts in the following manner. The basis for the apportionment shall be 1/2 on the average membership in attendance for the previous school year and 1/2 on the most recently available equalized valuation of each district as of June 30 of the preceding school year. Prior to January 15 in each year, the board shall certify to the chairman of the school board of each constituent school district the amount so apportioned. Each district within a school administrative unit shall raise at the next annual district meeting the sum of money apportioned to it by the school administrative unit board for the expenses of services which each district received in connection with the school administrative unit office. [The provisions of this section relative to apportionment of expenses shall not apply to the school administrative units comprising only one district.] The school administrative unit board in adopting the budget shall not add any new service to the school administrative unit budget unless a majority of the school districts in the school administrative unit representing not less than 60 percent of the total pupils in the school administrative unit have voted favorably upon the establishment of the service. A vote to accept a new service shall not be construed as a vote to raise and appropriate money within the meaning of RSA 197:3.

**HB 121-FN**, relative to limiting the mode of taking deer in Rollinsford. OUGHT TO PASS WITH AMENDMENT.

The Committee felt that home rule in this case should prevail. Vote 18-0. Rep. Bernard J. Raynowska for Fish and Game.

#### **Amendment**

Amend section 2 of the bill by replacing it with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 175-FN**, relative to the hunting of pheasants. OUGHT TO PASS WITH AMENDMENT.

After public hearing and discussion, it was agreed by the Committee that HB 175 was a good bill. The amendment changes the effective date. Vote 18-0. Rep. Allen R. Wiggin for Fish and Game.

#### **Amendment**

Amend section 2 of the bill by replacing it with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 190**, relative to the taking of bear. INEXPEDIENT TO LEGISLATE.

After public hearing and testimony, it was agreed by the Committee that this problem be resolved by the Fish and Game Department through Administrative Rules. Vote 16-1. Rep. Allen R. Wiggin for Fish and Game.

**HB 199-FN**, restricting the use of electronic collars and telemetry equipment used in connection with dogs during the bear hunting season. **INEXPEDIENT TO LEGISLATE.**

After a public hearing, the Committee found that bear hunters and landowners corrected their problem locally. Vote 16-0. Rep. Joseph Schanda for Fish and Game.

**HB 212-FN**, relative to black bear hunting licenses. **OUGHT TO PASS WITH AMENDMENT.**

This is a basic housekeeping bill requested by the Department of Fish and Game. Vote 16-0. Rep. Allen R. Wiggin for Fish and Game.

#### **Amendment**

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Restriction Added. Amend RSA 208:24 by inserting after paragraph III the following new paragraph:

III-a. A bear license shall not constitute satisfactory proof that the holder of such license previously had a hunting license issued to him in this state, or any other state, province or country as required under RSA 214:23-a.

4 Effective Date. This act shall take effect 60 days after its passage.

**HB 112-FN**, relative to the length of time for which variances to zoning ordinances may be granted. **INEXPEDIENT TO LEGISLATE.**

This bill would be contrary to the body of law that holds that a variance runs with the land. The problem the sponsor was trying to solve can be handled at the local level. The Committee voted Inexpedient to Legislate at the request of the sponsor. Vote 17-0. Rep. Karen O. Wadsworth for Municipal and County Government.

**HB 145-FN**, expanding the definition of "residential real estate" for the purposes of the veterans' tax exemptions. **INEXPEDIENT TO LEGISLATE.**

If passed, House Bill 145 would have changed the veterans' credits from the long-held concept that credits be on veterans' homes. As written, this bill could allow veterans from anywhere who own land anywhere in New Hampshire to gain credit in each town where they own land. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

**HB 174**, requiring the appointment of deputy town clerks by the elected town clerk. **OUGHT TO PASS WITH AMENDMENT.**

Under present statute, the selectmen may appoint a deputy town clerk. The bill, as amended, now allows each town to have one deputy town clerk, who will be appointed by the elected town clerk, with the approval of the selectmen, to serve in the absence of the town clerk. This bill, as amended, removes all objections which were originally made in testimony. Vote 18-1. Rep. Thomas B. Salatiello for Municipal and County Government.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to the appointment of  
a deputy town clerk by the  
elected town clerk.

Amend the bill by replacing section 1 with the following:

1 Deputy Town Clerk. RSA 41:18 is repealed and reenacted to read as follows:



41:18 Deputy Town Clerk. Each town may have a deputy town clerk who shall be qualified in the same manner as the town clerk and who shall perform all the duties of the town clerk in case of his absence by sickness, resignation, or otherwise. A deputy town clerk shall be appointed by the elected town clerk with the approval of the selectmen.

#### AMENDED ANALYSIS

This bill allows each town to have one deputy town clerk, who will be appointed by the elected town clerk, with the approval of the selectmen, to serve in the town clerk's absence. Under current law, selectmen may appoint a deputy town clerk.

**HB 177-FN**, relative to the cost of notice of a public hearing held by a zoning board of adjustment. **INEXPEDIENT TO LEGISLATE.**

The intent of the bill is to provide an appellant relief from the cost of appeal to the Zoning Board of Adjustment. This bill is reflective of the English system where each litigant bears costs, but the prevailing party can be awarded costs in an egregious case. This bill is not only unfair to local officials who act in good faith, but also constitutes an unfunded state mandate. Vote 18-0. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 178**, enabling municipalities to establish review boards to address grievances of tenants and owners of manufactured housing parks. **INEXPEDIENT TO LEGISLATE.**

The Committee was sympathetic to the problems and concerns relative to manufactured housing parks. However, this bill adds an inappropriate judicial function to local government. Additionally, this issue is better addressed through other statutes, specifically RSA 205-A. Also there is proposed legislation relative to the same issue being considered this session. Vote 18-0. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 200**, relative to the approval of union contracts by the county convention and its executive committee. **INEXPEDIENT TO LEGISLATE.**

The problem described in testimony is not confined to Hillsborough County and not necessarily to county government. The problem is the presentation by the executive branch of budgets, specifically including union contracts, which the legislative branch of government is unwilling, unable, or cannot in good conscience agree to fund. As the testimony showed, the proposed remedy would certainly blur distinctions between the legislative and executive branches of government, contravene the separation of powers, and interfere with the ability of the executive to perform the duties of their elective office. In making this recommendation, it recognizes that the solution to the problem lies in the achievement of better communication between county commissioners and the county executive committee. It would earnestly hope that the two bodies concerned can achieve better communication through either a formal or an informal means designed locally, and thus, obviate the need for action by the General Court. Vote 19-0. Rep. Paul A. Golden for Municipal and County Government.

**HB 225**, relative to representatives- and senators-elect called to active duty. **INEXPEDIENT TO LEGISLATE.**

The procedures outlined in this bill are in conflict with Part Second Article 95 of the New Hampshire Constitution. A CACR will be offered later in the session to

correct this situation; and HB 116 clarifies the definition of active duty. Vote 14-0. Rep. Frances L. Riley for Public Protection and Veterans Affairs.

**HCR 3**, supporting the building of a fire academy. **OUGHT TO PASS.**

This resolution points to the urgent need for a centrally-located state fire training academy similar to the New Hampshire Police Training Academy. It is planned to locate the academy on state-owned land in Concord, and the academy could be utilized every day of the week. It would be utilized Monday through Friday by members of full time fire departments and weekends by members of volunteer fire departments. Trainees would be quartered at the school, which would allow training to be conducted in the evening hours. Funds will be available without seeking support from the residents of New Hampshire in the form of increased fees for permits, etc. Legislation has been filed to implement the goals of the resolution. Vote 12-0. Rep. James J. Fenton for Public Protection and Veterans Affairs.

**HB 132-FN**, reclassifying portions of certain highways in the town of Sandwich. **OUGHT TO PASS.**

This is a housekeeping bill which takes all responsibility for sections of roads in Sandwich from the state and gives it to the town. Currently, the town pays for plowing. With this legislation, the town also would be responsible for summer maintenance. Vote 18-0. Rep. Sandra B. Keans for Public Works.

**HB 171-FN**, relative to maintaining the "Old Man of the Mountain." **OUGHT TO PASS WITH AMENDMENT.**

Daniel Webster on the "Old Man of the Mountain": "Men hang out their signs indicative of their respective trades: shoemakers hang out a gigantic shoe; jewelers a monster watch; and the dentist hangs out a gold tooth; but up in the mountains of New Hampshire, God Almighty has hung out a sign to show that there He makes men."

This bill ensures that proper and timely maintenance on the "OLD MAN" will continue forever, affording this great natural resource the protection it so richly deserves. Vote 16-0. Rep. Gene G. Chandler for Public Works.

### **Amendment**

Amend RSA 12-A:1-c as inserted by section 1 of the bill by replacing it with the following:

12-A:1-c Powers and Duties of Department of Resources and Economic Development. In addition to any other powers and duties set forth in this chapter or as otherwise provided by statute, the department of resources and economic development shall have the power and duty to plan and conduct a program of information and publicity to attract tourists, visitors, industrial concerns and other interested persons from outside the state to the state of New Hampshire, and [also] to encourage, coordinate, and participate in the efforts of other public and private organizations or groups of citizens in order to publicize the facilities, industrial advantages and other attractions of the state for the same purposes. *The department of resources and economic development shall also have the power and duty to plan and conduct inspections at least semi-annually and to plan and conduct necessary maintenance, monitoring and consulting work to ensure the preservation of the "Old Man of the Mountain."* The commissioner shall assign, with the approval of the advisory commission, such duties and functions to the 3 divisions of the department, as in his discretion will best effectuate the purposes, powers and duties set forth in this section and as otherwise provided by statute, *provided, however, that the commissioner shall assign such*

*duties and functions relating to the preservation of the "Old Man of the Mountain" to the division of parks and recreation and to the officially designated caretaker for the "Old Man of the Mountain."*

**HB 193-FN**, authorizing the state to enter into a lease-purchase agreement with the town of Milford for a new district courthouse. **OUGHT TO PASS.**

House Bill 193 will replace the existing District Court with a new one which will be built and financed by the town of Milford. By entering into a lease-purchase agreement, the annual lease will be a fixed amount as opposed to the current lease which will result in significant future increases. Vote 16-0. Rep. David K. Wheeler for Public Works.

Referred to Appropriations.

**HB 125**, relative to the width of drink rails. **OUGHT TO PASS WITH AMENDMENT.**

The Committee by a vote of 13-0 recommended passage of this bill. Testimony by the sponsors indicated that it would remove restrictive language concerning the dimensions of drink rails which was contained in HB 1410 of 1990. Enactment of this legislation will eliminate unnecessary remodeling by on-sale licensees. The Liquor Commission testified in favor of this housekeeping bill. Rep. Laura C. Pantelakos for Regulated Revenues.

#### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to drink rails.

Amend the bill by replacing all after the enacting clause with the following:

1 Width of Drink Rails. Amend RSA 175:1, XXX to read as follows:

XXX. "Drink rail" means a rail *or shelf* constructed at bar height [with a minimum of 12 inches in width per seating side]. Drink rails shall be permanent in nature and shall be attached to a wall or the floor. Drink rails shall comprise no more than 50 percent of a facility's seating capacity, with each 2 feet of drink rail constituting one seat per side.

2 Standing at Drink Rails. Amend RSA 179:27, I to read as follows:

I. Liquor and beverages may be served to patrons in on-sale establishments while seated at tables or booths, at the bar, seated at drink rails or while standing at the bar *or drink rails*, provided at least 2 feet of space is allowed for every person standing [at the bar] or seated at *the bar or* drink rails.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill removes width requirement for drink rails or shelves.

The bill also allows patrons to stand at drink rails.

**HB 55-FN**, establishing the New Hampshire countryside fund and making an appropriation therefor. **RE-REFER TO COMMITTEE.**

House Bill 55 was filed at the request of the Governor. Since it was drafted, several additional proposals have been suggested as amendments. The Committee feels that all aspects of the proposed fund should have a hearing; therefore, it requests that the bill be re-referred for further study and introduced for action in the 1992 session. In short, while the concept deserves praise, the details need to be worked out. Vote 15-1. Rep. Mary Ann Lewis for Resources, Recreation and Development.

**HJR 2**, providing that the Kona Wildlife Management Area shall be forever managed by the state of New Hampshire in a manner so as to protect its habitats. **OUGHT TO PASS WITH AMENDMENT.**

This joint resolution declares that the Kona Wildlife Area shall henceforth be managed by the State of New Hampshire to protect its wildlife habitats from further development and permit such related public recreation as may be deemed consistent with that purpose. The amendment would require that the Legislature approve any future sale or disposition of the land. Vote 15-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### **Amendment**

Amend the resolution by replacing all after the resolving clause with the following:

That the Kona Wildlife Management Area shall be henceforth managed by the state of New Hampshire to protect its wildlife habitats from further development and to permit such related public recreation as may be deemed consistent with said purpose; and that any change in the disposition of the Kona Wildlife Management Area, by sale or any other means, shall be approved by the general court.

**HB 176-FN**, relative to conditions on mortgage loans. **INEXPEDIENT TO LEGISLATE.**

The sponsor wished that the bill be reported Inexpedient to Legislate because it was not needed. Vote 13-0. Rep. Lowell D. Apple for State Institutions and Housing.

#### **REGULAR CALENDAR**

**HB 115-FN**, relative to an elderly property tax increase limitation. **INEXPEDIENT TO LEGISLATE.**

This bill would require two different tax rates and the New Hampshire Constitution - Part 2 Article 5 prohibits multiple rates by saying that "a state tax must be uniform throughout the state, a county tax throughout the county, a town tax throughout the town." Vote 16-0. Rep. John A. Middleton for Municipal and County Government.

Adopted.

**HB 248-FN**, relative to developments having regional impact. **OUGHT TO PASS.**

This bill allows municipalities to grant abutter status to neighboring towns and Regional Planning Commissions in cases of developments with regional impact. It strengthens the ability of a region to act in a responsible manner with what are perceived as regional issues. Vote 14-5. Rep. Katherine H. Metzger for Municipal and County Government.

Adopted.

Ordered to third reading.

**HB 104-FN**, relative to a public water rights report and advisory committee. **OUGHT TO PASS WITH AMENDMENT.**

The issue of water rights is a complex one, requiring significant research and study. Recognizing this, the Legislature established a Public Water Rights Study Committee to examine a wide range of water rights' issues. Because of the volume of research required, the Committee could not complete its work in the allotted time. This legislation, as amended, extends the life of the study committee and adds members from the private sector to the Committee. In addition, it puts a moratorium on state action to limit water withdrawals by registered users for two years. This legislation is supported by business, water suppliers and conservation interests. Vote 16-0. Rep. Steven R. Maviglio for Resources, Recreation and Development.



### Amendment

Amend the introductory paragraph of 1990, 148:2 as inserted by section 1 of the bill by replacing it with the following:

To properly discharge its duty, the general court finds it desirable to establish a means to discern the extent and content of the public rights; to determine whether a present or proposed private use of a public water body impacts or may impact the public rights; and to establish under what conditions conveyance of some portion of the public rights would serve the public interest. To this end, the public water rights [legislative] study committee established in section 4 of this act shall report its findings and recommendations to the senate president and the speaker of the house of representatives on or before December 31, [1990] **1992**. The report shall address the following:

Amend the bill by replacing all after section 2 with the following:

1 New Paragraphs; Additional Duties of Public Water Rights Study Committee. Amend 1990, 148:2 by inserting after paragraph VI the following new paragraphs:

VII. The authorization for registered water users to continue their present water withdrawal.

VIII. The effect of major water withdrawals on waste water assimilation.

IX. Recommended legislation for the 1993 legislative session.

4 Legislative Deleted. Amend 1990, 148:3, I to read as follows:

I. "[Legislative] Study committee" means the public water rights [legislative] study committee established in section 4 of this act.

5 Membership of Committee Changed. 1990, 148:4, I is repealed and reenacted to read as follows:

I. A study committee is established to study the issues surrounding public water rights in New Hampshire. The committee shall consist of the following:

(a) Three house members from the house resources, recreation and development committee, appointed by the speaker of the house.

(b) Three senators from the senate environment committee, with no designees allowed, appointed by the president of the senate.

(c) One member representing the conservation community from a list of nominees submitted by the Society for the Protection of New Hampshire Forests, the New Hampshire Association of Conservation Commissions and the Merrimack River Watershed Council, to be appointed by the governor.

(d) One member representing the New Hampshire Waterworks Association selected from a list of nominees submitted by such association, to be appointed by the governor.

(e) One member representing recreational interests, nominated by the New Hampshire Business and Industry Association and appointed by the governor.

6 New Paragraph; First Meeting. Amend 1990, 148:4 by inserting after paragraph I the following new paragraph:

I-a. The first named house member shall call the first meeting of the study committee within 30 days of the effective date of this paragraph.

7 Legislative Deleted. Amend 1990, 148:4, III to read as follows:

III. The [legislative] study committee is hereby authorized to utilize the assistance of the office of the legislative services staff and the office of the legislative budget assistant staff. The [legislative] study committee may request the senate president and the speaker of the house to jointly assign additional general court staff to assist the committee.

8 New Section; Existing Uses. Amend 1990, 148 by inserting after section 4 the following new section:

I. 148:4-a Usage by Registered Water Users. No department of the state of New Hampshire, in pursuit or exercise of the doctrine of public trust as set forth by an opinion of the attorney general dated August 2, 1989, shall delimit or curtail the continued water usage of any water users, their successors and assigns, registered with and reporting uses or withdrawals with the division of water resources, department of environmental services, pursuant to 1983, 402:1 and RSA 482:3 for the duration of the public water rights study authorized by this act. With respect to the doctrine of public trust, registered users may continue usage or withdrawal to a level that does not exceed their maximum use or withdrawal as reported during the 3-year period from January 1, 1988, to January 1, 1991.

II. Nothing in this act shall:

(a) Affect any private rights in the respective water bodies of registered water users;

(b) Relieve registered water users, their successors and assigns, from compliance with laws or rules under the state's police power; or

(c) Affect the authority of the department of environmental services regarding uses or withdrawals authorized before the effective date of this paragraph by the legislature or within segments of rivers designated by the rivers management and protection program established by RSA 483:2.

9 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill extends the amount of time that the public water rights study committee has to submit its report by 2 years and changes the composition of the committee. It requires the report to address authorization for registered water users to continue their present water withdrawal, and recommend legislation for the 1993 legislative session. In addition it prohibits any department in the state of New Hampshire from delineating or curtailing continued water use for the duration of the study committee.

Adopted.

Report adopted.

Ordered to third reading.

**HB 254-FN**, relative to overnight mooring of houseboats. **INEXPEDIENT TO LEGISLATE.**

The Committee believes this is a benefit to limited private operators, and the number of complaints and time invested would result in overtime pay and excessive expenses for enforcement officers. Vote 14-1. Reps. Mildred A. Beach and Frederick B. Andrews for Resources, Recreation and Development.

Adopted.

**HB 593-FN-A**, relative to the rate of the business profits tax. **OUGHT TO PASS.**

House Bill 592 and HB 593 represent the Ways and Means funding package to support the supplemental budget. In considering possible revenue sources, the Committee noted that many taxes had had surcharges applied last session and that the proposed Uniform Business Profits Tax could not possibly be implemented for FY'91. The Committee eventually determined that business taxes were the least objectionable alternative available.

This bill raises the rate of the Business Profits Tax from 8% to 9% for a period of 12 months from enactment, generating approximately five million dollars (\$5,000,000)

in FY'91. The Committee was reluctant to increase the rate any higher, recognizing that most of this tax is paid by a few hundred profitable companies.

This is a short term solution to fund our current obligations. The Committee pledges to develop a proposal for the 1991 session which will reform business taxes, making them more widely and fairly applied. Vote 13-4. Rep. Donna P. Sytek for Ways and Means.

Rep. Sytek spoke in favor and yielded to questions.

Rep. Jasper spoke against and yielded to questions.

Rep. Ahrens spoke in favor and yielded to questions.

Rep. Domaingue spoke against.

Rep. David Welch spoke in favor and yielded to questions.

Rep. Paul White spoke against.

Rep. Nielsen spoke in favor.

**(Rep. Michael Hill in the Chair)**

Rep. Lozeau spoke against.

Rep. Lozeau made a parliamentary inquiry.

Rep. Lozeau challenged the Chair's ruling on HB 593-FN with regard to House Rule 43, Hearings and Notices.

**(Speaker Burns in the Chair)**

The Chair ruled that HBs 593 and 592 were properly before the House because the subject matter had been the focus of a public hearing on two other bills before the Committee on Ways and Means. At the request of the Ways and Means Committee, two new bills were admitted by the Rules Committee.

Rep. Donna Sytek spoke in favor of sustaining the ruling of the Chair.

Rep. Lozeau withdrew her challenge.

Rep. Larson spoke against HB 593.

Rep. Gross spoke in favor.

Roll call request sufficiently seconded.

The question being on the adoption of the Committee report.

**YEAS 150**

**NAYS 216**

**YEAS 150  
BELKNAP**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Turner, Robert H.

Cain, Thomas G.  
Maviglio, Steven R.

Hawkins, Robert S.  
Rosen, Ralph J.

**CARROLL**

Beach, Mildred A.

Foster, Robert W.

Saunders, Howard N.

**CHESHIRE**

Burnham, Daniel M.  
Feuer, Joseph N.  
Hunt, John B.  
Metzger, Katherine H.  
Perry, David M.

Cole, Stacey W.  
Grodin, Richard A.  
LaMar, David M.  
Morse, Jo Ann T.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Pearson, Gertrude B.

**COOS**

Brungot, Catherine V.  
Marsh, Beaton

Guay, Lawrence J.  
Pratt, Leighton C.

Horton, Lynn C.

**GRAFTON**

Adams, Carl S.  
Christy, C. Dana  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.

Bean, Pamela B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Shackett, Ralph E.  
Whitcomb, Henry F., Jr.

Brown, Channing T.  
Hill, Richard L.  
Lougee, Richard W.  
Teschner, Douglass P.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Calawa, Leon, Jr.  
Donovan, Francis X.  
Dyer, Merton S.  
Ferguson, Charles  
Healy, Daniel J.  
Kelley, Robert N.  
McCann, Bonnie Lou  
Murphy, Robert E.  
Record, Alice B.  
Steiner, Lee Anne  
Vanderlosk, Stanley R.

Amidon, Eleanor H.  
Baker, George H., Sr.  
Cowenhoven, Garret P.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Gagnon, Eugene L.  
Holden, Carol H.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Perham, Lester R.  
Rodgers, G. Philip  
Stiles, Walter A.  
Wheeler, Robert L.

Andrews, Frederick B.  
Bowers, Dorothy C.  
Desrosiers, William J.  
Durham, Susan B.  
Fenton, James J.  
Gureckis, Adam C., Sr.  
Jean, Romeo W.  
Mason, Howard F.  
Mercer, Robert S.  
Peters, Stanley W.  
Sallada, Roland A.  
Tarpley, Nancy L.

**MERRIMACK**

Apple, Lowell D.  
Carter, Susan D.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Lockwood, Robert A.  
Teague, Bert

Asplund, Bronwyn L.  
Chandler, John P.  
Gross, Caroline L.  
Hayes, Robert C.  
Kidder, William F.  
Nichols, Avis B.

Boucher, Laurent J.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Hill, Michael J.  
Lewis, Mary Ann  
Stio, Peter M.

**ROCKINGHAM**

Benton, Richardson D.  
Christie, Andrew, Jr.  
Cote, Patricia L.  
Flanders, Harry E.  
Haynes, Richard  
Johnson, Robert A.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Simon, Peter M.  
Sytek, Donna P.

Buco, Stephen W.  
Coffey, John J.  
Dowd, Sandra K.  
Flanders, John W., Sr.  
Hoelzel, Kathleen M.  
Klemm, Arthur P., Jr.  
McCain, William F.  
Roulston, Donald L.  
Skinner, Patricia M.  
Tufts, Arthur

Campbell, Eunice M.  
Conroy, Janet M.  
Flanagan, Natalie S.  
Gage, Beverly A.  
Hurst, Sharleene P.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Senter, Marilyn P.  
Smith, Arthur W.  
Welch, David A.

**STRAFFORD**

Appleby, James E.  
Douglass, Clyde J.  
Kinney, Paula J.  
Nehring, William H.  
Torr, Ann M.

Bickford, Drucilla  
Flynn, Edward J.  
Martling, W. Kent  
Parks, Joe B.  
Young, John B.

Corte, Arthur B.  
Foss, Patricia H.  
Musler, George T.  
Pelley, Janet R.



**SULLIVAN**

|                       |                     |                      |
|-----------------------|---------------------|----------------------|
| Behrens, Thomas A.    | Flint, Gordon B.    | Middleton, John A.   |
| Rodeschin, Beverly T. | Schotanus, Merle W. | Stamatakis, Carol M. |

**NAYS 216  
BELKNAP**

|                         |                           |                      |
|-------------------------|---------------------------|----------------------|
| Accornero, Harry        | Campbell, Richard H., Jr. | Dewhirst, Glenn E.   |
| Golden, Paul A.         | Johnson, Carl R.          | Joscelyn, William W. |
| Rice, Thomas E. P., Jr. | Salatiello, Thomas B.     | Shibley, Arnold P.   |
| Vogler, Charles C.      | Zaharchuk, Peter J., Jr.  |                      |

**CARROLL**

|                      |                      |                     |
|----------------------|----------------------|---------------------|
| Allard, Nanci A.     | Bradley, Jeb E.      | Chandler, Gene G.   |
| Daly, Robert J., Jr. | Dickinson, Howard C. | Dodge, A. Gibb, Jr. |
| Jean, Robert R.      | Wiggin, Allen R.     | Wiggin, Gordon E.   |

**CHESHIRE**

|                       |                      |                      |
|-----------------------|----------------------|----------------------|
| Champagne, Richard L. | Clark, Eugene W.     | Cole, Kenneth A.     |
| DePecol, Benjamin J.  | Doucette, Richard F. | Foster, Katherine D. |
| Kennison, Wayne A.    | Kingsbury, H. Thayer | Lynch, Margaret A.   |
| Pratt, Irene A.       | Riley, William A.    | Spear, Susan S.      |

**COOS**

|                        |                     |                     |
|------------------------|---------------------|---------------------|
| Buckley, C. Fitzgerald | Coulombe, Henry W.  | Hawkinson, Marie C. |
| Kilbride, Dennis J.    | Mayhew, Josephine   | Nelson, Harold D.   |
| Oliver, Terry D.       | Theriault, Romeo J. |                     |

**GRAFTON**

|                       |                       |                     |
|-----------------------|-----------------------|---------------------|
| Arnesen, Deborah L.   | Brown, Patricia B.    | Chambers, Mary P.   |
| Copenhaver, Marion L. | Dow, David            | Guest, Robert H.    |
| Markley, J. Keith     | McIlwaine, Deborah P. | Nordgren, Sharon L. |
| Scanlan, David M.     | Stewart, Roger D.     | White, Paul R.      |

**HILLSBOROUGH**

|                         |                         |                       |
|-------------------------|-------------------------|-----------------------|
| Ackerman, Philip M.     | Baldizar, Barbara J.    | Baroody, Benjamin C.  |
| Bourque, Ann J.         | Buckley, Raymond        | Burke, Stephen J.     |
| Chasse, Richard D.      | Clemons, Jane A.        | Cook, Valerie S.      |
| Cote, David E.          | Crotty, Edward J.       | Daigle, Robert A.     |
| Daniels, Gary L.        | Desrochers, Gerard T.   | Dodge, Emma M.        |
| Domaingue, Jacquelyn M. | Drabinowicz, A. Theresa | Dwyer, Patricia R.    |
| Elliott, Larry G.       | Ferlan, Arthur P.       | Fields, Dennis H.     |
| Ford, Nancy M.          | Gage, Ruth E.           | Gagnon, Gabrielle V.  |
| Gosselin, Gerald O.     | Goulet, Maurice E.      | Green, Scott E.       |
| Greenglass, Alan B.     | Hall, Betty B.          | Hanselman, Gregory L. |
| Healy, Walter F.        | Hickey, Janet E.        | Hultgren, David D.    |
| Janas, Gregory          | Jasper, Shawn N.        | Johnson, Lionel W.    |
| Keane, Cornelius J.     | Kelley, Dana F.         | King, Frank P.        |
| Kurk, Neal M.           | L'Heureux, Robert J.    | Lachut, Ervin R.      |
| Larochelle, Roger B.    | Laughlin, J. Francis    | Lawrence, Eva M.      |
| Lawrence, Norman B.     | Leclerc, Charles J.     | Lefebvre, Roland J.   |
| Martin, Mary Ellen      | McDowell, James E.      | McRae, Karen K.       |
| Messier, Irene M.       | Moore, Elizabeth A.     | Nardi, Theodora P.    |

O'Rourke, Joanne A.  
 Paquette, Rodolphe G.  
 Reidy, Frank J.  
 Rothhaus, Finlay C.  
 Tate, Joan C.  
 Wheeler, David K.

Ouellette, Robert O.  
 Pepino, Leo P.  
 Rheault, Lillian I.  
 Searles, Stanley N., Sr.  
 Turgeon, Roland M.  
 White, John M.

Packard, Bonnie B.  
 Pignatelli, Debora B.  
 Riley, Frances L.  
 Soucy, Donna M.  
 Upton, Barbara A.  
 Wright, George W.

#### MERRIMACK

Anderson, Eleanor M.  
 Christie, Thomas J.  
 Jacobson, Alf E.  
 Letourneau, George E.  
 Smith, Gerald R.  
 Trombly, Rick A.

Barberia, Richard A.  
 Dancault, Gabriel J.  
 Johnson, C. William  
 Millard, Elizabeth S.  
 Soldati, Jennifer G.  
 Wallner, Mary Jane

Braiterman, Thea  
 Dunn, Miriam D.  
 Johnson, Joyce M.  
 Molner, Mary E.  
 Stapleton, Henry F.  
 Yeaton, Charles B.

#### ROCKINGHAM

Barnes, John S., Jr.  
 Brown, Jeffrey M.  
 Chase, Lawrence A., Jr.  
 Connell, David R.  
 Dowling, Patricia A.  
 Falwell, Robert V.  
 Griebisch, Linda  
 Hynes, Carolyn E.  
 Keith, Brenda E.  
 MacDonald, Joseph A.  
 Melnick, Roy E.  
 Pantelakos, Laura C.  
 Rubin, George R.  
 Splaine, John E., Sr.  
 Thayer, Leroy C.  
 Woods, Deborah L.

Bell, Juanita L.  
 Campbell, Marilyn R.  
 Chulack, Peter G., Sr.  
 Cooke, Annette M.  
 Drake, Herbert R.  
 Flanders, David A.  
 Hoar, John, Jr.  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 Packard, Sherman A.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Syracuse, Anthony  
 Vaughn, Charles L.

Boucher, William P.  
 Caswell, Albert, Jr.  
 Clark, Martha Fuller  
 DiPietro, Carmela M.  
 Dube, LeRoy S.  
 Ford, Bert H.  
 Hutchinson, Karen K.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 McGovern, Cynthia A.  
 Palazzo, Frank J.  
 Rosencrantz, James R.  
 Seward, Russell G.  
 Terninko, Margaret B.  
 Weyler, Kenneth L.

#### STRAFFORD

Brown, Julie M.  
 Hambrick, Patricia A.  
 Kincaid, William K.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Torr, Ralph W.  
 Wall, Janet G.

Frechette, Roland A.  
 Jankowski, Peter M.  
 Marston, Robert E.  
 Messier, Donald R.  
 Spencer, Leo J.  
 Tsiros, William  
 Wheeler, Katherine W.

Gilmore, Gary R.  
 Keans, Sandra B.  
 McCann, William H., Jr.  
 O'Brien, John  
 Sullivan, Henry P.  
 Vincent, Francis C.

#### SULLIVAN

Allison, David C.  
 Harland, Jane A.  
 Peyron, Fredrik

Burling, Peter Hoe  
 Krueger, Richard H.  
 Walsh, Robert R.

Domini, Irene C.  
 Lindblade, Eric N.

and the report lost.

Reps. Leonard Smith, Lozeau and Robinson abstained from voting under Rule 16.

Rep. Donna Sytek moved that **HB 593** be recommitted to the Committee on Ways and Means.

On a division vote, 237 members having voted in the affirmative and 133 in the negative, **HB 593** was recommitted to the Committee on Ways and Means.

**HB 592-FN-A**, relative to a business tax and making an appropriation therefor. OUGHT TO PASS.

This bill establishes a business tax of \$150 on all business entities having more than \$12,000 per year in receipts. The tax is levied on all corporations, partnerships and proprietorships doing business in the state, raising eight million dollars (\$8,000,000) in fiscal year 1991.

It is the Committee's intent to bring to the House next session a business tax reform bill that will allocate the tax burden across a greater number of businesses. For the short term, this bill is our best effort to expand the tax to capture those businesses that currently pay little or no business profits tax, while addressing the supplemental budget revenue needs. The FN calls for state expenditures of \$50,000 in FY'90. Vote 13-4. Rep. Robert C. Hayes for Ways and Means.

Rep. Donna Sytek moved that **HB 592** be recommitted to the Committee on Ways and Means.

Recommitted to Committee.

**HB 222-FN**, requiring certain persons to complete a hunter education program. INEXPEDIENT TO LEGISLATE.

This bill would require all hunting license applicants to complete a Hunter Education Program. The Fish and Game Department is not in favor of the bill because the state cannot afford it. Vote 16-0. Rep. Allen R. Wiggin for Fish and Game.

Rep. William McCann moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Perham spoke against and yielded to questions.

On a division vote, 83 members having voted in the affirmative and 268 in the negative, the motion failed.

Adopted.

**HB 154**, relative to electing Belknap county commissioners and relative to printing county convention proceedings in Belknap county. OUGHT TO PASS WITH AMENDMENT.

The Committee strongly supports this legislation, as this bill places Belknap County in line with most other counties in having County Commissioners elected by districts. Belknap County is currently divided into three districts with the Commissioners elected on an at-large basis. This change also provides for greater accountability and responsibility to the voters and moves Commissioners, as elected officials, closer to the people they represent. Vote 19-0. Rep. Thomas B. Salatiello for Municipal and County Government.

#### Amendment

Amend the bill by replacing all after section 1 with the following:

2 Electing Belknap County Commissioners. RSA 653:1, VI(f) is repealed and reenacted to read as follows:

(f) Belknap county - one county commissioner by the voters in each county commissioner district; provided that, at the 1992 state general election, no commissioner from district 1 shall be elected, the commissioner from district 2 shall be elected to a 4-year term, and the commissioner from district 3 shall be elected to a 2-year term. At each subsequent state general election, 2 commissioners shall be chosen in the county by the inhabitants of the districts in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one

shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1992 state general election, the 4-year term shall be rotated in sequence starting with district 3.

3 Application. No provision of section 2 of this act shall be construed as affecting the term of office or the constituencies of the Belknap county commissioners in office on the effective date of this act. If a vacancy occurs for any reason in the office of a Belknap county commissioner after the passage of this act and before the state general election in November, 1992, the vacancy shall be filled under the terms of RSA 661:9. The nomination and election of Belknap county commissioners at the state general election in November, 1992, shall be as provided in this act.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides that in Belknap county, one county commissioner shall be elected by the voters in each county commissioner district on a staggered basis. The bill also eliminates a special provision for Belknap county relative to printing county proceedings so that county convention proceedings shall be published the same way in every county.

Reps. Rice and Perry spoke against.

Rep. Salatiello spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

#### RESOLUTION

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 13, 1991 at 1:00 p.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

**HB 106-FN**, establishing a committee to study the feasibility of an enhanced state-wide uniform emergency 911 telephone system.

**HB 142-FN**, relative to school district budgets.

**HB 121-FN**, relative to limiting the mode of taking deer in Rollinsford.

**HB 175-FN**, relative to the hunting of pheasants.

**HB 212-FN**, relative to black bear hunting licenses.

**HB 174**, relative to the appointment of a deputy town clerk by the elected town clerk.

**HCR 3**, supporting the building of a fire academy.

**HB 132-FN**, reclassifying portions of certain highways in the town of Sandwich.

**HB 171-FN**, relative to maintaining the "Old Man of the Mountain."

**HB 125**, relative to drink rails.

**HJR 2**, providing that the Kona Wildlife Management Area shall be forever managed by the state of New Hampshire in a manner so as to protect its habitats.

**HB 248-FN**, relative to developments having regional impact.



**HB 104-FN**, relative to a public water rights report and advisory committee.

**HB 154**, relative to electing Belknap county commissioners and relative to printing county convention proceedings in Belknap county.

Rep. Ann Torr moved that the House adjourn.

Adopted.

The House adjourned at 3:35 p.m.

**HOUSE JOURNAL No. 6**

Wednesday, February 13, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairsto.

Almighty God, by whose mercies we are brought into each new day and sustained throughout that day, we thank You for Your bountiful gifts to us. We raise our prayers today for all who lead and legislate in the governance of this state. Give to each one a full measure of charity, justice, courage, and wisdom, that all they do may be done well in your sight. Bless each, we pray, in the carrying out of the tasks before them. Amen.

Rep. McNerney led the Pledge of Allegiance.

Rep. Gross offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Honorable Senate in Joint Convention, for the purpose of receiving a Budget Message by the Governor.

Adopted.

**LEAVES OF ABSENCE**

Reps. Parr, Elizabeth Greene, Amanda Merrill, Falwell, Bernard, Jelley and Vogler, the day, illness.

Reps. Stamatakis, Doucette, Betty Hall, Hashem, Schmidtchen, Alukonis, Wadsworth, William McCann, Musler, Weeks, David Young (military service), Shackett, Asplund, Accornero, David Flanders, Stephen Burke, Drake, Peyron, Joyce Johnson, Scott Green, Fair and Maviglio, the day, important business.

Rep. Warburton, the day, death in the family.

The House Education Committee offered the following:

**HOUSE RESOLUTION NO. 18**

acknowledging Vocational Education Week

WHEREAS, the United States Department of Education does recognize and support vocational-technical education in America, and

WHEREAS, the seven days between February 10 and February 16 of 1991 have been designated in New Hampshire as Vocational Education Week, and

WHEREAS, countless New Hampshire men and women have dedicated themselves to teaching vocational-technical curriculums at the high school and college levels, and by so doing have made major contributions in strengthening the state's workforce, and

WHEREAS, vocational-technical education in New Hampshire is eagerly sought each academic year by several hundreds of young women and men who enroll at the Technical Institute at Concord and the six Technical Colleges at Berlin, Claremont, Laconia, Manchester, Nashua and Stratham, and

WHEREAS, the committed vocational-technical educators of New Hampshire have dedicated themselves to the continuation of maintaining a strong curriculum throughout the state, and

WHEREAS, the memberships of the New Hampshire Vocational Association and the New Hampshire State Council for Vocational Education have demonstrated great

commitment of purpose and dedication to the principles of education, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that all state citizens be urged to celebrate Vocational Education Week in New Hampshire, and be it further

RESOLVED, that all students and educators enrolled and working in vocational-technical curriculums receive highest praise and accolades for their accomplishments.

Adopted.

The Speaker presented the Resolution to Bruce Scamman and Paul Cernota.

### COMMUNICATION

James Chandler, House Clerk

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council on February 13, 1991.

Rockingham District No. 20, John J. Sytek, r, Salem (9 Garrison Road) 03079

Sincerely, William M. Gardner,  
Secretary of State

### COMMITTEE AND SEAT ASSIGNMENT

Rep. John Sytek was assigned to the Committee on Executive Departments and Administration and assigned to seat 4-69.

### SENATE MESSAGES REQUESTS CONCURRENCE

**SB 143**, extending time limits for condominium projects.

Reps. Gross and Chambers offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill number 143 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILL

#### First, second reading referral

**SB 143**, extending time limits for condominium projects. (To - Commerce, Small Business and Consumer Affairs)

### VACATE

Rep. Haynes moved that the House vacate the reference of **HB 447**, relative to bulk commodities to the Committee on Transportation.

Adopted and referred to Environment and Agriculture.

### INTRODUCTION OF GUESTS

Laverne Kehr, Joan Dwyer, Dianne Hoffman and Grace Thompson, guests of Rep. David Wheeler. Paul Cooke, husband of Rep. Annette Cooke. Michael Pignatelli, husband of Rep. Pignatelli. High School seniors from Mrs. Patricia Rude's Civics Class of Sunapee, guests of Rep. Behrens. Dudley Terrill and Buzz Gagne, guests of Rep. Stio. William Clifford, grandson of House Clerk James A. Chandler, guest of Rep. Burns.

**SENATE MESSAGE**

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of hearing Governor Judd Gregg deliver his Budget Message and to hear a report on the New Hampshire National Guard and the Gulf Crisis by The Adjutant General, Major General Lloyd Price.

**RECESS****JOINT CONVENTION**

**(Speaker presiding)**

Governor Judd Gregg addressed the Joint Convention.

I do not need to inform you of the seriousness of our present fiscal situation. The State of New Hampshire, like all states in New England, is involved in a recession of significant proportion that has put tremendous pressure on our budgeting process over the past years; pressure which will continue into the next biennium.

I am reminded by this time of the title of a popular book in the 1960s which was "I Have Been Down So Long It Looks Like Up To Me." In that context this budget looks very good.

The budget I am presenting keeps the rate of growth of the total general fund account flat for the year 1992 and includes a 3.1 percent rate of growth in 1991.

We are, in other words, not going to allow the overall cost of government for New Hampshire taxpayers to increase next year. We are flat funding state government. Such action is not only necessary, it is our responsibility.

This does not mean that all programs will receive the same level of funding from this year to next. Due to the pressure created by the recession, certain functions of state government must grow. Many of these functions involve accounts where the number of people using the service has increased due to the economic hard times. Thus, since we are not expanding the overall size of government, other areas must be reduced.

By approaching our budget in this stringent manner, we will be able to avoid significant tax increases. The only tax increase proposed in this budget is action to take advantage of the fact that we are now a net exporter of energy as a state. However, we do anticipate that the Business Profits Tax Reform requested in the supplemental budget you are now working on will be in place for the purpose of this biennium.

Our purpose is to manage government within our revenue sources. People expect us to exercise this type of frugality and this budget allows us to do that without significantly impacting services.

The way we intend to accomplish these goals is by expanding and further energizing the approach to government which we have been following over the last two years, which I refer to as "managerial government." Essentially, we intend to give our department heads the tools they need for flexibility, self-initiative and management to allow them to get more out of the dollars they have available. This does not mean that we are asking the Legislature to forego its right to manage policy, rather it means that in executing on this legislative intent we will allow our managers to get more for each taxpayer dollar invested.

We will be presenting this budget in both the traditional 10-line form per PAU and also in a three-line form and ask you to mark to the former, but authorize departments to operate with transfer authority in a three-line format. The effect of this approach will be to allow you, the Legislature, to see how the spending reductions and in-



creases in each department are anticipated to affect the department, while at the same time giving the managers the flexibility to move funds within a program unit so as to get the most of the taxpayers' dollars.

It is an attempt to introduce some common sense and business skills into the crush of inefficiency which is the natural tendency of government bureaucracy.

The three-line operating budget will consolidate the traditional 10 accounts in each PAU into three: personnel services, operating expenses, and other expenses—primarily grants. Departments will have free transfer authority within each PAU. For example, Dr. Harry Bird (Commissioner of Health and Welfare) will be allowed to adjust priorities within a particular program as the year unfolds. If a category in public health that is less than fully funded in the ten-line format becomes a priority, Dr. Bird can transfer funds from another source within the PAU to fund it.

We are fortunate, very fortunate, to have attracted to public service in New Hampshire some extraordinarily talented people and this approach will take advantage of their skills. It also allows them to meet our objective, which is to control the growth in costs of government in these difficult times without significantly impacting services.

Let me turn now to some specifics of how this budget will look.

In this present fiscal year, presuming you pass the supplemental budget soon, spending will be approximately \$688 million. In the first year of the next biennium it will be approximately \$684 million followed by \$705 million for 1991.

We accomplished this no growth budget the following way: To begin with, we essentially hold harmless the towns and the cities. Foundation Aid is fully funded. Building Aid is fully funded. Catastrophic Aid is 95% funded. The 402 Special Ed Program is fully funded. Of the annual \$51 million revenue sharing account, the only action is that a \$5 million payment is delayed until the second year. Thus, over the period of the biennium there is no negative impact on revenue sharing.

In addition, the state will step forward and assume a further \$12 million to pick up the cost of pollution control in the towns known as the "dirty dozen." This is a bill which I discovered on my desk when I arrived in Concord and we intend to pay it.

This budget, therefore, represents a tremendous commitment by the state to the towns and cities. It follows on a commitment that has been made over the last two years when we have increased funding to the towns and cities even though we have had to significantly cut other functions of state government.

In addition, I will continue my policy of not supporting the passage of any bill which would create mandates on the communities for which the state does not pay.

It is not our purpose as a state government to aggravate the problems which towns and cities have during these difficult recessionary times and this budget reflects that position.

One would hope, on the other hand, that it would also not be the purpose of towns and cities to aggravate the problems of the state government, and I would cite here specifically the significant potential increase in retirement costs. These increased future costs are essentially created for the state as a result of personal compensation agreements reached at the local level with their employees. When a contract is reached, for example, with a teachers' union, it creates a cost to the state in retirement benefit funding. We would hope the towns and cities would be sensitive to the fact that the dramatic increases in pension benefits accrued in recent years at the local level have come to represent a significant burden passed on to the state.

It should also be noted that included within these commitments is a specific commitment to funding certain education accounts as they flow through the state government. Many of these education accounts are open-ended relative to their cost, especially in the area of building aid, catastrophic aid and the 402 program. It would be my hope that this Legislature would take an especially hard look at the manner in which we fund building aid. There clearly are revisions needed in order to improve this system: revisions our office has presented in the past and will be more than happy to discuss again.

We also have included additional monies for education to allow us to begin implementing the proposals of the Education Task Force. This Task Force, made up of business, community, and education leaders from around the state, concluded that we need to refocus our approach to educational oversight on performance or output standards. In other words, instead of trying to direct the day-to-day activities of our schools and teachers, we should ask that our students attain certain skill levels, critical skill levels, in different disciplines by certain grade levels and leave the manner of teaching those skills up to the imagination and initiative of the educators. In order to accomplish this performance approach and to generally find where we stand in education, relative to other states and the rest of the world, we need a better assessment system or testing approach and the new monies for such assessment programs are included.

Although we have been able to hold the towns, cities and education accounts essentially harmless, we have not been so fortunate with a number of agencies at the state level. In order to accomplish level funding, which is of course required by the fact that we do not expect revenues to increase substantially, it was necessary to request all departments to come in at 10% less than their 1991 appropriation level. After reviewing the submissions with each department, we made necessary adjustments and have reached an agreement with all departments, except for the University System and the Judiciary, which allows state agencies to be funded at levels that accomplish their respective missions. The effect of making these decisions has resulted in some of the departments receiving fewer general funds in 1992 than their 1991 appropriated level. Some of these reductions would include:

|                                |       |
|--------------------------------|-------|
| *Agriculture                   | (4%)  |
| *Environmental Services        | (1%)  |
| *Post-secondary Tech Education | (5%)  |
| *Pari-Mutuel Commission        | (19%) |
| *Department of Safety          | (2%)  |
| *Department of Transportation  | (2%)  |
| *Legislative Branch            | (8%)  |
| *Executive Departments         | (6%)  |

(Note for the record: Legislature increases 12 percent in 1992 and Executive 2 percent)

Health and Human Services is, of course, our primary area of expenditure for state managed programs. Total general fund expenditures for Health and Human Services will be essentially the same as they were in the prior year. However, as a result of better usage of our state funds and by utilizing increased federal funding, we will experience about a 5 percent overall increase in the Health and Human Services accounts from 1991 to 1992.

Still, the demand in this Department is significant and it is in this Department that our greatest advantage can be taken of the three-line approach to budgeting for each

program unit. By giving this Department necessary flexibility, we can significantly reduce the negative impacts of what is essentially a flat-funded budget.

Clearly there are some areas of this Department, such as the AFDC caseload accounts, which are going to have to increase due to the effects of the recession. The effect of those increases is that fewer dollars have been allocated to some other programs. The capacity of the managers within each Division to move dollars around in a quick and flexible manner can significantly mitigate the impact of these reductions. However, I believe it is appropriate to give you a sense of the type of reductions we are forecasting if we were to apply traditional ten-line item budgeting to these accounts.

Some of the programs which would be modified would include elimination of the State's small percentage of the funds for the Poison Hotline; restructuring of emergency care training at the local level, but without reduction in total service; elimination of free vaccines for those families with private payment reimbursements; elimination of the newborn emergency transportation system; small reductions in some contracted health services including family planning, well-child clinics and special health care services; elimination of payment for universal screening of all newborns for toxoplasmosis; establishment of a waiting list for the genetic services program; elimination of the AFDC emergency assistance program; deletion of the premium paid for living in shared homes and adult public assistance programs; elimination of some optional services for adults under Medicaid, but with maintenance of coverage for prescription drugs and durable medical equipment; and closure of the Philbrook School Building with transfer of its programs to another location on the same campus.

These are all very difficult decisions and to some degree they will be mitigated by the managerial budget approach, but they are the type of decisions that you are simply going to have to make as a legislature, and we have laid out a path for you to do it.

In the process of developing this budget, as I previously mentioned, I requested that all departments come forward with budgets for each year of the biennium of 10 percent less than 1991 appropriated levels. From that base line, we have added back into the Health and Human Services budget approximately \$65 million. As a result, it is my belief, and the belief of the Commissioner and his Division Directors, that the budget we are presenting now will supply the basic human service needs which are the obligation of that department.

We intend to meet the compliance guidelines for citizens requesting aid under the programs for Food Stamps, Medicaid and Aid to Families with Dependent Children. We intend to increase our activities in our Child Support Program, which will not only bring more funds directly to parents and children who are owed these funds by Court Order, but will also help some of these families to remain free of the need for public assistance and will generate Federal incentive funds which will accrue to the State. We will maintain the State's support of nursing home beds which currently involves Medicaid support for more than 4,500 of the State's 7,000 certified beds.

We will ask the Counties to join with us to preserve the community-based care waiver by which 600 New Hampshire citizens are supported in their own home setting rather than a nursing home, at substantially greater personal satisfaction and substantially less cost to the State. Since the counties share in the cost of Medicaid nursing home expenses, we believe it is important for them to assume a share of the preventive reduced cost for citizens who otherwise are qualified to be in nursing homes. Of the State's \$10 million optional program for medical services under Medi-



said, we intend to preserve the vast majority of that program including the provision of prescription medications and durable medical equipment.

In the area of services to children, we can do better than we are now doing. County and State costs for court-ordered settlement decisions have risen from \$10 million to \$27 million in the past five years. Despite this huge increase, and despite our desire to support these youngsters in need, there is very little hard evidence of success equal to this massive increase in expenditure. Further, we believe we have turned too much to the Court System and place on the Courts a responsibility which is better focused on the family and the community and on the social workers. The most important opportunity we can give a child is to grow in a health family and only remove that child as a last resort. It also is our best investment in the community at large.

We need to move away from a system that has become increasingly bureaucratic and outrageously legalistic. Services to children belong in the hands of families and communities and they need our support. This support is difficult to defend in a system that requires a myriad of clearances from agencies and Court officials before a single service is rendered.

For these reasons as well as for financial ones, we are recommending the restructuring of the CHINS Program. While it is true that financial savings will result, what is more important will be the construction of an effective system of services for New Hampshire's children. We have directed the Commissioner of Health and Human Services to begin now to develop a plan for an alternative service system for children which will be family and community based. We have asked for such a plan to be presented to the Executive and Legislative leadership during this legislative session. We have requested that all services and resources relating to children in the six divisions of the Department be considered as part of the comprehensive approach.

In the context of Health and Human Services, which has made the difficult decisions and brought forward a budget which we present to you today, which is basically a flat-funded budget, but one which continues to deliver a high level of quality services, I believe you should seriously review the proposal of the University of New Hampshire and our Court Systems. As you are aware, in both instances the Executive Branch and the Legislature have virtually no control over the day-to-day operations of these entities. In both instances these entities have proposed budgets which grossly exceed the budget guidelines. If approved as requested, they would put a tremendous strain on the capacity of our state government and would mean further cuts in other agencies, such as Health and Human Services, which have already met our guidelines.

At least in the case of the Court System, the argument can be made that the demand has increased dramatically for judicial services, although there remains a very serious question as to the efficiency of the operations of this branch of the government. I have thus recommended flat-funding the Courts at the 1991 level of spending.

However, the University System has given new meaning to the concept of "ivory tower" budgeting. The request of the University System to the State of New Hampshire is for a 24 percent biennial increase in funding. The overall proposed budget expansion for 1992 at the University System represents a total increase of \$50 million. The University System is projecting no increase in student population during this period. Those facts alone might give you cause to wonder.

Certainly in a time when the average citizen of New Hampshire is facing belt tightening as a result of a recession; when the revenues of the state are dropping; when the number of people being put out of work as a result of layoffs both at the state



government level and in the private sector is significant; when we are having to make the tough choices I just listed relative to Health and Human Services; one must ask what sort of realism can be contained in a budget which insists on a 24 percent increase in state funding. This, of course, comes from an institution which has deemed itself of such worth that it pays the vast majority of its senior staff significantly more than the highest paid individuals in state government. In fact, even its lobbyist, whose job it is to obtain a fair share of our tax dollars, is paid more with those tax dollars than the Commissioner of Health and Human Services, the Commissioner of Transportation, the Attorney General, the Commander of the National Guard, or for that matter the Governor of New Hampshire. For your information, I have appended a list of some of those salaries. We have placed the University System in the budget at a percentage figure which corresponds approximately to the Technical College System in the first year and at a significantly higher number than the Technical College System will experience in the second year. I would note as an aside that the Technical College System has aggressively and conscientiously worked to comply with the request for a budget at 10 percent less than appropriated levels. The final dollar figure which we were able to establish for it, which it feels it can function with and continue to deliver quality service, represents an approximate reduction from the 1991 budget of 5.4 percent.

The Technical College System is, of course, a growing system with an increasing number of students, 80 percent of whom come from New Hampshire and 90 percent of the graduates stay in New Hampshire. Thus it seems appropriate that the University System should be held to the same comparable funding percentages as the Technical College System and that is where we have set their accounts for the first year. In the second year we have restored the University to the 1991 level of funding. However, too often we have seen the University System, when asked to take less than their request by this Legislature, rather than reduce their overhead and attempt to deliver services more efficiently, simply turn to its students with a bill for higher tuition. It is my firm belief that this Legislature should seriously consider reclaiming its rights to more directly manage the University System and, at a minimum, should legislatively insist that over the next biennium there be no further tuition increases of any significance for New Hampshire students at the University System and that the salary accounts and productivity of the administration and faculty be subject to closer scrutiny.

In recognition of the slowdown in the economy, we have increased our commitment in funding for business development a total of \$300,000 from Fiscal Year 1990. This has been accomplished by maintaining an increase in the Office of Business and Industrial Development made in Fiscal Year 1991 through the transfer of \$250,000 from tourism, which I have proposed to return to the Office of Vacation Travel in the supplemental budget. Furthermore, I am requesting an additional \$50,000 in the areas of business and industrial advertising, promotion, international trade and out-of-state prospecting. Three positions, created in Fiscal Year 1991, will be made permanent in support of increased business development activities. Increased promotional activities in the office, begun in Fiscal Year 1991, will also be maintained.

In addition to these items, we have been able to maintain our funding commitment to the Small Business Development Centers which, in turn, is matched on a two-to-one basis by federal SBA funds. This is done in order to encourage and assist small business development and entrepreneurship in the state of New Hampshire.

One area that has received a significant increase in budgeted authority is the Department of Corrections and this is purely related to increased population in the prison system. We continue to run a prison system which maintains the lowest cost per inmate of any system in New England; however, the number of inmates continues to rise as our society becomes more aggressive in prosecuting people, especially in the area of drug offenses and violent crimes.

Since we will be facing a significant prison population in excess of present capacity by 1993, we have begun pursuing the creation of a minimum security facility at the Laconia State School grounds. This is part of a comprehensive approach to optimize utilization of the Laconia State School grounds and this minimum security facility, which will include the Shock Incarceration Unit, will be tied into a drug rehabilitation program and vocational-technical assistance programs. We expect the new facility to be a model program for the rehabilitation and incarceration of minimum security inmates. Commissioner Powell has given this facility the title "Camp Success" and in my opinion it has the potential to be an extraordinary success story.

Another program which this budget includes is a new approach to dealing with our Park System. The Park System in New Hampshire is one of the true jewels in our state's crown jewels and is at this time making money, although not a great deal. It is my belief that the Park System should be set up in a structure that will allow it to continue to flourish and be maintained as high quality places for our citizens and tourists to visit. In order to do this, since the Park System is now self-sustaining, it should be set up as a separate, self-funded entity. This will generate incentive in the parks' personnel and leadership to maintain and improve the facilities through its own revenues.

In order to bring the Park System back to a level of high quality, we will be including in the capital budget \$2.5 million for upgrading the physical facilities at our various parks. These actions, although not having a significant impact on the budget, will create a comprehensive undertaking which will assure the long-term viability and strength of our Park System.

In addition to the capital items which I have already mentioned, there are a number of capital items which I believe should be highlighted and which will be presented in my Capital Budget contemporaneously with the Operating Budget.

To fund capital investments which will assist in the development of State revenue sources, the Capital Budget includes \$5.5 million for construction of a new liquor store on I-95 for the Liquor Commission. \$1.6 million will address development and snowmaking capability at both Cannon and Sunapee. Further, \$16.5 million which will be offset by revenue has been included for Port of Portsmouth expansion. \$500,000 has been included to provide the required 10 percent State match for FAA approved priority projects for airports.

As a commitment to New Hampshire's environmental future, the Capital Budget includes \$7.5 million over the biennium to continue funding the Land Conservation and Investment Program. This program has been exceedingly successful to date and must be continued to preserve the quality of life for future generations. The budget also includes \$5.8 million for the required 20 percent match under the Federal Clean Water Loan Fund, and \$1.5 million for the 10 percent match for the Federal Hazardous Waste Fund; as well as \$1.5 million for increased funding for dam repairs.

In the area of education, \$1.8 million is budgeted for Phase II, building rehabilitation, at the Manchester Vocational Technical College. Roughly \$1.2 million will be provided for the upgrading of instrumentation at the several technical colleges.

Considering the times, and especially in comparison to the trauma some of our sister states are experiencing, this is a very positive budget. It does require that we essentially run the ship of state on the same dollars we ran it on last year; but this is a reasonable approach, one which our citizens expect, in light of the recession which requires all, even government, to exercise fiscal restraint. It also is a budget which continues to deliver a high level of service, especially in the core areas of government obligations, without unduly burdening our people with tax increases.

For those who will make the claim that this budget is too frugal on funding state services, I say: Give me this budget exactly as it is and I will live within it, I will deliver quality services and gladly accept any political heat that comes with it!

I also recognize that some in the Legislature believe that New Hampshire's people are fundamentally undertaxed and should be subject to the repressive machinery of a general sales or income tax. I recognize that some sincerely believe in pursuing this goal of dramatically altering the tax structure of New Hampshire on the claim, inconsistent as it is with history, fact and common sense, that you can somehow reduce other tax burdens by turning to a massive new tax burden. As you know, I do relish this debate, respect those who sincerely hold this view, and look forward to continuing the dialogue.

However, as a practical matter, the capacity to pass such a tax was killed by the referendum of the recent election. The people spoke rather clearly and I have the veto pen to prove it.

One of our greatest strengths as a state, in comparison to our sister states in the region, has been our ability to act quickly and definitively to resolve the fiscal strains we have experienced as a result of this recession. We have, as a state, stood out in the region as a shining light of fiscal common sense as a result of this "can do" approach. Failure to take this approach again could easily undermine our bond ratings and cost us dearly in delivering very much needed services.

We have taken the ship of state through some rough waters. Much like rounding the Cape of Good Hope, we have seen some high seas and strong winds, but the worst is behind us and, in my opinion, calm waters and favorable winds are predictable. If we continue to hold a course that insists on fiscal restraint, effective management and preserving the core obligation of government, we will be successful in assuring that New Hampshire prevails in this stormy time in a manner that gives confidence to our people, service to our less fortunate, and opportunity to our children.

This is our challenge and with passage of this budget we will meet this challenge.

Major General Lloyd M. Price, Adjutant General of the State of New Hampshire, addressed the Joint Convention.

Mr. Speaker; Mr. President; Your Excellency, Governor Gregg; Governor's Councilors; and Members of the General Court:

Words cannot adequately describe the deep sense of pride I feel today as I stand before this distinguished legislative assembly to represent the nearly 3,300 men and women who proudly serve our state and our nation with the New Hampshire National Guard.

You have offered this invitation to hear about the status of our soldiers and airmen who have been mobilized and deployed as part of Operation Desert Storm.

I must tell you that the past six months have been, by far, the most emotional I have experienced in my nearly 42 years of military service. I can assure you, it is not an enjoyable task to oversee the activation, mobilization and deployment of our citizen-



soldiers. But, it would be negligent on my part if I did not tell you that the positive attitude and professionalism with which our Guard members responded to this call to duty have been exemplary and represents the highest quality we have come to appreciate about our New Hampshire National Guard, made up of your friends and neighbors, your relatives, and while small in number, your fellow legislators.

From the very earliest days of the Iraqi invasion of Kuwait, the New Hampshire Air National Guard has had a major role in providing air refueling support for the deployment of U.S. forces and equipment to the Gulf. From early August through the end of December, every Air National Guard mission was conducted by volunteers.

Let me attempt to put the level of volunteerism into better perspective:

During the first five months of Operation Desert Shield, hundreds of our Air Guard members participated in more than 9,000 voluntary active duty days to support air refueling missions both within the continental United States and overseas, including providing two and one-half months of air refueling support to the Tanker Task Force in Saudi Arabia.

While the initial phases of the Operation Desert Shield support missions only involved volunteer participation by Air National Guard members, it became increasingly clear that our specialized Army units were prime targets for mobilization.

On November 17th, the 744th Transportation Company of Claremont and Hillsboro became the first unit from the State to receive activation orders. After organizing their military records, their equipment, preparing wills and making provisions for a wide range of personal affairs, the unit personnel headed for pre-deployment training at Ford Devens, Massachusetts.

That Monday morning of November 19th in Hillsboro will long be remembered. It was truly a monumental outpouring by family, friends, neighbors and citizens, young and old. While the official "going away" ceremony was being conducted inside the armory, hundreds lined the town's streets and the convoy route along Route 202 to Massachusetts, waving flags and banners, and most with yellow ribbons. Besides these spirited citizens from dozens of communities, there were the kindergarten, elementary and high school students, as well as high school bands, to wish our members well.

The 744th Transportation Company received a first class send-off which sent a clear signal to me and to our troops that our citizens were truly in support of our citizen-soldiers.

The unit deployed to the Persian Gulf on January 20th, and it is now providing transportation support to the forces involved with Operation Desert Storm.

While the 744th was training at Fort Devens, we received word of the activation of the 1159th Medical Company, Air Ambulance, from Concord. This unit was activated on November 21st and on December 1st, the flight crews, with their 12 UH-1 Huey helicopters, departed for duty at Fort Campbell, Kentucky. The remainder of the unit left on December 4th. The unit is currently providing aeromedical site support to U.S. Army installations at Fort Campbell and Fort Knox in Kentucky, as well as at Fort McCoy in Wisconsin.

At the present time, we have more than 400 men and women from the Guard serving on active duty with Operation Desert Storm. Besides the units I have mentioned, Air Guard flight crews involving 70 plus personnel were called to involuntary active duty in December and have been supporting the air refueling requirements of the Strategic Air Command, mostly within the United States. Some of our aircraft maintenance specialists have been called and they are deployed to an overseas airbase.



Within the past two weeks, members of the Security Police Flight have reported for active duty and are serving at an air base in Montana. This past Monday morning I was advised that medical specialists from the Air Guard's 157th U.S. Air Force Clinic will be activated this week and assigned for duty at Carswell Air Force Base in Texas. And, just yesterday, another 18 volunteer Army National Guardsmen with infantry, artillery and medical skills were ordered to report for active duty next week at various locations.

Also, 15 field artillery specialists from around the state have volunteered and were accepted for active duty assignment with a West Virginia Army National Guard Artillery Battalion. They, too, are currently serving in the Persian Gulf.

Some of you have asked me about the makeup of our mobilized units. As I've already mentioned, each and every member is a volunteer. The ages range from 18 to 57 and a large percentage of those who have been called up have had prior active duty military experience.

On a personal note, we have one father and son team in the 1159th, as well as a married couple, two brothers, and three father and son teams, one of whom is a father with two sons, in the 744th. Yes, the National Guard is family, in more ways than one.

Speaking of supporting the family, this is, without exaggeration, the most important responsibility that all of us have while our citizen-soldiers are deployed away from home. It is a demanding challenge, and I am confident that every federal, state and local resource is being identified and is being made available to those left behind. I can assure you that it is my number one priority, not only for our National Guard members, but for all military families living in New Hampshire.

If I may, I'd like to compliment our soldiers and the family members of the New Hampshire National Guard who had the foresight and took the initiative during the past five years to organize an ongoing Family Support Program. During that time, as our training focused upon the mobilization scenario, it became crystal clear that the organization's greatest challenge would be caring for the needs of the family. Admittedly, over the past months, we did not have all the answers nor were we perfect at it, but we did have the mechanism in place to respond almost immediately to family concerns.

Families, in fact, are the real heroes of the Persian Gulf mobilization. Their attitude and willingness to make great sacrifices have contributed to the ability of their loved ones to answer our nation's call.

Also, during the past few months, it became obvious that the scope of public, and even private, assistance programs would not be adequate for the neediest of our families. Therefore, I'm proud to announce that our military chaplains took the initiative and formed the "Chaplain Emergency Relief Fund," a tax exempt charitable trust which, now and in the future, will give our organization a capacity to respond to critical financial needs when other means of support have been exhausted. At the risk of sounding redundant, I must again say that it is most important that those who are called to serve their nation are assured that their loved ones will not fall by the wayside while they are away doing what is necessary to respond to the call to duty.

I believe that most of our citizens recognize that the National Guard cannot remain a strong and vibrant volunteer military organization without the support of not only the family, but also the employer.

As you can well imagine, the extent of an activation of Guardsmen and Reservists determines the degree of impact on industry and business, as well as agencies of state and local governments.

While the recent activations have had relatively little impact so far, it is important to know that federal law protects those who are called for a mobilization or other required military training from a wide range of adverse personnel actions, employment discrimination, or dramatic financial hardship. The laws ensure reemployment rights, reinstatement of benefits, reduced interest rates, and even protections against eviction and civil suits resulting from financial hardship during mobilization.

Despite these legal protections, I am pleased to tell you that, in general, the business community within our state has gone the extra mile for our people in an effort to keep hardship to a minimum.

Let me share but a few examples:

The Sturm Ruger Company of Newport, which lost 14 employees to the recent call-up, extended company health benefits through the end of June and assured employees that they would continue to earn seniority.

Wheelabrator Environmental Systems of Hampton and Ingersoll-Rand of Nashua are providing a pay differential and continuation of employee health benefits. And, the Hitchcock Medical Center has assured a pay differential for the first six months of active duty and continuation of health benefits. Again, these are but a few examples and are not all inclusive.

The New Hampshire Committee for Employer Support of the Guard and Reserve, under the able volunteer leadership of Bob Hamel and his committee, continues to work with companies across the state to assist with the development of personnel policies which recognize the contributions of reservists and, at the same time, minimize hardship on the employer and the employee.

I could go on and on about the many lessons we have learned from this mobilization, as well as the genuine and heartwarming response we have received from the public and private sectors. I believe it sufficient to acknowledge that New Hampshire hasn't taken a back seat to anyone and has shown over the past few months that those who have been called for Operation Desert Storm will not be forgotten, whether their service is in the Persian Gulf or here at home.

At this point, I would like to convey the deep appreciation of our units for the joint declaration of support and appreciation adopted by the legislative leadership in December. It was with distinct pride and pleasure that I could personally deliver your declaration to each unit. The support already publicly voiced by both Governor Gregg and many of you sitting in this chamber has been overwhelming and reassuring.

Your invitation for me to appear today is further positive confirmation that the New Hampshire House and Senate are very much in support of our citizen-soldiers. Not only those of the New Hampshire National Guard, but all of the state's men and women, active duty, guard and reserve, who are serving our nation during this time of war.

In conclusion, I have told you that the Guard cannot remain strong and vital without the support of the family and employer. That is true, but I'd like to give that one more dimension. As a simple analogy, I view the New Hampshire National Guard as a four-legged stool, with one leg representing the soldier, one the family, another the employer, and the fourth the executive and legislative branches of government. If any single one of these fails to be supportive, the organization is no longer functional and is bound to collapse. Yes, you, too, are a most vital part of the Guard family.

Thank you for your time and attention this afternoon. Thank you for all that you have done and will do to keep the New Hampshire National Guard strong. I join with each of you in praying that Desert Storm will come to a quick and successful conclu-

sion and that we may stand together once again, along with all of our citizens, in welcoming New Hampshire's sons and daughters home, as they are again reunited with their loved ones.

Sen. Delahunty and Rep. Gross moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 244-FN**, establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory and punitive damages, was removed at the request of Rep. Dyer.

Consent Calendar adopted.

**HB 229-FN**, relative to legislative review of the New Hampshire statutes. **INEXPEDIENT TO LEGISLATE**.

The Committee felt that it was not necessary at this time to set up a New Hampshire law revision commission. The Fiscal note indicated the cost could not be determined. Vote 14-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

**HB 247**, relative to unopposed candidates serving as election officials in certain municipalities. **INEXPEDIENT TO LEGISLATE**.

The Committee has tried to keep the statutes uniform and feels that where there is any possibility of a write-in vote, no candidate whose name appears on the ballot should work at the polls. Vote 12-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

**HB 195-FN-A**, relative to appointment of legal counsel and investigations by the board of examiners of psychologists, and continually appropriating funds for such purposes. **INEXPEDIENT TO LEGISLATE**.

The Committee believes it is premature to appoint legal counsel for the Board of Examiners of Psychologists as no clear case was made for this position. Vote 14-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

**HB 197-FN**, relative to a tuition reduction for employees of the department of safety. **INEXPEDIENT TO LEGISLATE**.

The intent of the bill is laudable. However, the economic impact on the University System, although not dramatic with one state department, would be devastating when other departments apply. The fact that this is a negotiated item and the bill would circumvent the process opens up a whole new world of hurt! Vote 14-0. Rep. William P. Boucher for Executive Departments and Administration.

**HB 149-FN-A**, relative to a liquor store in Center Harbor and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**.

The Committee recognizes the sponsor's desire to have a state liquor store located in Center Harbor. Upon review of the sales figures and geographic location of the six surrounding state stores, the Committee felt that while it would be convenient, opening of an additional store in this location would not be a good allocation of the Commission's limited appropriation. The Committee voted 14-0 that this legislation, while well meaning, should be Inexpedient to Legislate. Rep. Thomas A. Behrens for Regulated Revenues.

**HB 107-FN**, eliminating registration fees for class AA dams. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, changes the definition of dams so as to include only those structures with a height of six feet or more, or a storage capacity of more than three acre feet. This change will have the effect of removing so-called "farm ponds" and other small structures from the class AA classification so they would no longer be subject to the controversial "dam tax." Vote 15-0. Rep. Carol M. Stamatakis for Resources, Recreation and Development.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

I Non-hazardous Potential Added, Measurements Increased. Amend RSA 482:2, I and II to read as follows:

I. "Classification of a dam" means the potential hazard classification placed on a dam by the division of water resources, with a *class "AA" dam being of non-hazardous potential*; class "A" dam being the lowest potential hazard; class "B" being a significant potential hazard; and class "C" being the highest potential hazard. The classification of the potential hazard is the determination made by the division of water resources based on the potential threat to life and the potential extent of property damage in the event of an accident or failure of the dam structure.

II. "Dam" means any artificial barrier, including appurtenant works, which impounds or diverts water, and which has a height of [4] *more than 6 feet* [or more], or a storage capacity of [2] *more than 3 acre-feet* [or more], or is located at the outlet of a great pond. A roadway culvert shall not be considered a dam if its invert is at the natural bed of the water course, it has adequate discharge capacity, and it does not impound water under normal circumstances. Artificial barriers which create surface impoundments for industrial or commercial wastes or municipal sewage, regardless of height or storage capacity, shall be considered dams.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill declares that class AA dams do not have a hazardous potential to life or property in the event of an accident or failure of the dam structure.

This bill also changes the definition of dams by increasing the height requirement and storage capacity.

Referred to Appropriations.

**HB 137-FN**, relative to railroad rights-of-way. **OUGHT TO PASS WITH AMENDMENT.**

The Committee amended the bill as proposed to help protect reversionary rights that might be lost if rail properties acquired by the state were declared by decree to be fee simple absolute. Notice shall be given to the public by newspaper advertisement, once a year for five years, and five years allowed for appeal to the Superior Court for any person who may be damaged by the declaration. Vote 15-0. Rep. Roger D. Stewart for Transportation.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

I Ownership of Rights-of-Way. Amend RSA 228:60-a, V to read as follows:

*V. All railroad rights-of-way and rail properties acquired by the commissioner or by the state are hereby declared to be owned in fee simple absolute.* Any and all



reversionary rights in railroad rights-of-way *and rail properties which have been acquired by the state or are* acquired by the commissioner by purchase, condemnation or otherwise are hereby declared extinguished as of *the effective date of this section as amended, or the date of acquisition, whichever occurs later. The commissioner shall give notice to the public of all such properties declared under this paragraph to be owned in fee simple absolute by the state by publishing a description of the properties sufficient for the identification thereof, specifying the county where the properties are located. Any such notice shall be published at least once each year for 5 years in a newspaper of general circulation in the county where the property is located.* Any person damaged thereby may make claim by petition against the commissioner to the appropriate superior court within [2] 5 years of the date of acquisition *or declaration of fee simple absolute ownership.* The petition shall then be referred to the board of tax and land appeals, which shall proceed as with a condemnation under RSA 498-A. The right to appeal contained in RSA 498-A:27 shall be available to the claimant or the commissioner.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill grants fee simple absolute ownership rights to the state for all railroad rights-of-way and rail properties acquired by the transportation commissioner.

The bill also requires the commissioner to give public notice, through a newspaper of general circulation at least once a year for 5 years, of the location of any rail property declared to be owned in fee simple absolute by the state.

**HB 167-FN**, relative to airman certificates and fees. OUGHT TO PASS.

The Committee agrees with the Aeronautics Division that the registration certificates for airmen should be issued for four years rather than for one. The registration fee will be paid for the four years at four times the present yearly rate. Vote 15-1. Rep. Roger D. Stewart for Transportation.

#### REGULAR CALENDAR

**HB 196-FN**, relative to a tie vote in town elections. INEXPEDIENT TO LEGISLATE.

House Bill 196 would change the method for dealing with tie votes at town elections. The Committee feels that this bill is not needed at this time. Vote 9-2. Rep. Norman B. Lawrence for Constitutional and Statutory Revision.

Rep. Eugene Clark moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion, and yielded to questions.

Rep. Norman Lawrence spoke against.

Motion failed.

Report adopted.

**HB 164-FN**, establishing an unclassified attorney position within the department of corrections. RE-REFER TO COMMITTEE.

The Committee believes it is premature to establish an unclassified attorney position within the Department of Corrections, as this has been requested in the budget. Vote 13-2. Rep. Kathleen W. Ward for Executive Departments and Administration.

Re-referred to committee.

**HB 244-FN**, establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory and punitive damages. **OUGHT TO PASS.**

The purpose of this bill is to appoint a committee to study whether the state Commission for Human Rights should have the authority to levy administrative fines and award compensatory damages. This study is needed to determine how the state Commission on Human Rights will comply with existing federal contracts. The Committee is required to report by September 1, 1991. Vote 14-0. Rep. Merton S. Dyer for Executive Departments and Administration.

Adopted.

Rep. Dyer offered a floor amendment.

#### **Floor Amendment**

Amend section 4 of the bill by replacing it with the following:

4 Report. The committee shall submit a report, including recommendations for legislation, to the governor, the speaker of the house and the senate president on or before November 1, 1991.

Amendment adopted.

Ordered to third reading.

#### **RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 21, 1991 at 1:00 p.m.

Adopted.

#### **LATE SESSION**

##### **Third reading and final passage**

**HB 137-FN**, relative to railroad rights-of-way.

**HB 167-FN**, relative to airman certificates and fees.

**HB 244-FN**, establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory and punitive damages.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 2:50 p.m.

#### **RECESS**

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 7**

Thursday, February 21, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairsto.

Eternal God, by whose power we are created, by whose love we are sustained, and under whose providence we live out each day, we stand before You this day in humble thanksgiving for the signs of Your caring all about us. Be now, we pray, with the members of this House. Shield them from the distractions of external concerns and the pulls of political pressures. Help them to focus on the tasks before them. Guide them, and bless them, in all they say and in all they do, that in their speaking and in their voting they will seek to do well in Your sight. Amen.

Rep. Sullivan led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. C. Fitzgerald Buckley, Swope, Jelley, Parr, Domini, Bernard, Rosencrantz, Feuerstein and Fenton, the day, illness.

Reps. Robinson, Doucette, Harland, Donald Messier, Jacobson, Theriault, Spencer, Rosen, Weyler, Flint, Carter, Schmidtchen, Hashem, Stapleton, Seward and David Young (military service), the day, important business.

**INTRODUCTION OF GUESTS**

H. Jack and Jack B. Willis, Dick Vincent, Bill Frost and Martin Boormeester, guests of Rep. Barberia. Nancy Chandler, wife of Rep. Gene Chandler and daughter-in-law of Rep. Earle Chandler. Lucille, Scott and Phillip Frechette, wife and grandsons of Rep. Frechette. Bob Chabot, guest of Rep. Rheault. Mary, Lauren and Lane Marder, daughter and granddaughters of Rep. John Chandler. Betty A. Callanan, guest of Rep. Malcolm.

**VACATES**

Rep. Donna Sytek moved that the House vacate the reference of **HB 652**, relative to the duties of the board of tax and land appeals and the department of revenue administration to the Committee on Ways and Means.

Adopted and referred to Municipal and County Government.

Rep. Robert Foster moved that the House vacate the reference of **HB 687**, relative to medicare balance charges, to the Committee on Health, Human Services and Elderly Affairs.

Adopted and referred to Commerce, Small Business and Consumer Affairs.

Rep. Martling moved that the House vacate the reference of **HB 755**, relative to the limited liability company act and appropriating funds for administration to the Committee on Judiciary.

Adopted and referred to Commerce, Small Business and Consumer Affairs.

Rep. Flanagan moved that the House vacate the reference of **CACR 9**, relating to revenue raised through a personal income tax. Providing that each year at least 75 percent of all general fund revenues resulting from any personal income tax be returned to the cities, towns, school districts, counties, and property taxpayers to assist in property tax relief, to the Committee on Constitutional and Statutory Revision.

Adopted and referred to Ways and Means.

Rep. Kidder moved that the House vacate the reference of **HB 582**, relative to ozone-depleting compounds to the Committee on Executive Departments and Administration.

Adopted and referred to Environment and Agriculture.

### EXTENSIONS

The Committee on Judiciary requested a 14-calendar-day extension on **HB 133**, relative to the right to know law.

The Committee on Commerce, Small Business and Consumer Affairs requested a seven-calendar-day extension on **HB 123**, prohibiting merchants from requiring credit cards as identification from customers paying by check.

The Committee on Commerce, Small Business and Consumer Affairs requested a 14-calendar-day extension on **HB 139**, relative to fair credit billing.

The Committee on Executive Departments and Administration requested a 28-calendar-day extension on **HB 127**, changing the name of Fast Day to Civil Rights Day.

The Committee on Municipal and County Government requested a 21-calendar-day extension on **HB 587**, relative to the resolution of public employee labor disputes.

The Committee on Municipal and County Government requested a 21-calendar-day extension on **HB 169**, relative to the disposition of revenues collected under the land use change tax.

The Committee on State-Federal Relations requested a 14-calendar-day extension on **HJR 1**, concerning the settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine.

The Committee on Fish and Game requested a seven-calendar-day extension on **HB 205**, restricting the method of taking freshwater smelt.

Granted.

### SUSPENSION OF RULES

Rep. Horton moved that the rules be so far suspended as to permit consideration, third reading and final passage at the present time of **HCR 5**, honoring the village of Hill on its fiftieth anniversary.

Rep. Gross spoke in favor of suspension of rules.

Adopted by the necessary two-thirds.

Rep. Chandler spoke in favor of **HCR 5**.

### Third reading and final passage

**HCR 5**, honoring the village of Hill on its fiftieth anniversary.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 271**, to study the purchasing policies of the technical institute and the technical colleges, was removed at the request of Rep. Skinner.

**HB 260**, relative to the property tax exemption for the blind on their residential real estate, was removed at the request of Rep. Daniel Healy.

Consent Calendar adopted.



**HB 185**, relative to certain security transactions exempted from registration. OUGHT TO PASS WITH AMENDMENT.

The Committee vote of 14-0 favors rewording of RSA 421-B:17, II (p) for clarification of sale of security as requested by the Office of Securities Regulation. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend RSA 421-B:17, II(p) as inserted by section 1 of the bill by replacing it with the following:

(p) Any transaction pursuant to an offer to existing security holders of the issuer, *where the securities held by such existing security holders were issued by the issuers for value*, including persons who at the time of the transaction are holders of convertible securities, non-transferable warrants, or transferable warrants exercisable within not more than 90 days of their issuance, if:

**HB 186**, relative to isolated sales of securities. OUGHT TO PASS.

The Committee vote of 14-0 supports security sales exemptions of registration of five sales in total of same issuer in all jurisdictions combined. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

**HB 187**, including agents of investment advisors in the definition of "agent" under the securities laws. OUGHT TO PASS WITH AMENDMENT.

This bill clarifies the agent of broker or investment advisor. Vote 14-0. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the introductory paragraph of RSA 421-B:2, II as inserted by section 1 of the bill by replacing it with the following:

II. "Agent" means any individual, other than a broker-dealer *or an investment advisor*, who represents a broker-dealer, *investment advisor* or issuer in effecting or attempting to effect purchases or sales of securities. "Agent" does not include an individual who represents an issuer in:

**HB 188**, clarifying definitions of "investment metal contract" and "investment gem contract" for purposes of securities regulation. OUGHT TO PASS.

This bill requested by the Office of Securities Regulation, clarifies investment metal and gem contracts. Vote 14-0. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

**HB 321-FN**, relative to health insurance reform. RE-REFER TO COMMITTEE.

This bill, as submitted, was a draft legislation from the National Association of Insurance Commissioners. Since the Association has not taken final action on this important legislation, the Committee desires to take up this bill next year when the Association has resolved and voted on final legislation. Vote 15-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

**HB 333**, relative to notification of insurance cancellation. OUGHT TO PASS WITH AMENDMENT.

This bill with its amendment was submitted by the sponsor to correct language in the same bill by the same sponsor last session. The error last year was a perfect example of "Murphy's Law." Vote 13-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Cancellation or Nonrenewal of Group Insurance Contracts. Amend RSA 415:18-b to read as follows:

415:18-b Cancellation or Nonrenewal of Group Insurance Contracts. No group accident or health insurance contract, authorized under this chapter, may be cancelled or nonrenewed by the insurer, except for nonpayment of premium, unless the group policyholder receives either a notice of cancellation or nonrenewal or an offer of renewal in accordance with this section. The notice of cancellation or nonrenewal or offer of renewal shall be delivered to the [insured] *group policyholder* or mailed to the [insured's] *group policyholder's* last address as shown in the records of the insurer at least 45 days prior to the renewal date of the contract. Notice of cancellation for lack of participation, if permitted by the terms of the policy, shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the [insured] *insurer*, at least 30 days prior to the effective date of the cancellation.

2 Cancellation or Nonrenewal of Group Insurance Contracts. Amend RSA 420-A:7-c to read as follows:

420-A:7-c No group accident or health insurance contract, authorized under this chapter, may be cancelled or nonrenewed by the [insurer] *health service corporation*, except for nonpayment of premium, unless the group contract holder receives either a notice of cancellation or nonrenewal or an offer of renewal in accordance with this section. The notice of cancellation or nonrenewal or offer of renewal shall be delivered to the [insured] *group contract holder* or mailed to the [insured's] *group contract holder's* last address as shown in the records of the [insurer] *health service corporation* at least 45 days prior to the renewal date of the contract. Notice of cancellation for lack of participation, if permitted by the terms of the contract, shall be delivered to the group [policyholder] *contract holder* or mailed to the group [policyholder's] *contract holder's* last address as shown in the records of the [insurer] *health service corporation*, at least 30 days prior to the effective date of the cancellation.

3 Cancellation or Nonrenewal of Non-Group Insurance Contracts. Amend RSA 420-A:7-d to read as follows:

420-A:7-d Cancellation or Nonrenewal of Non-Group Insurance Contracts. No non-group accident or health insurance contract, authorized under this chapter, may be cancelled or nonrenewed by the [insurer] *health service corporation* except for nonpayment of premium, unless the insured receives either a notice of cancellation or nonrenewal or an offer of renewal in accordance with this section. The notice of cancellation or nonrenewal or offer of renewal shall be delivered to the insured or mailed to the insured's last address as shown in the records of the [insurer] *health service corporation* at least 30 days prior to the renewal date of the contract.

4 Cancellation or Nonrenewal of Health Maintenance Organization Contracts. Amend RSA 420-B:8-c to read as follows:

420-B:8-c Cancellation or Nonrenewal of Group [Insurance] *Health Maintenance Organization* Contracts. No group [accident or health insurance] *health maintenance organization* contract, authorized under this chapter, may be cancelled or nonrenewed by the [insurer] *health maintenance organization*, except for nonpayment of premium, unless the [insured] *group contract holder* receives either a notice

of cancellation or nonrenewal or an offer of renewal in accordance with this section. The notice of cancellation or nonrenewal or offer of renewal shall be delivered to the [insured] *group contract holder* or mailed to the [insured's] *group contract holder's* last address as shown in the records of the [insurer] *health maintenance organization* at least 45 days prior to the renewal date of the contract. Notice of cancellation for lack of participation, if permitted by the terms of the [policy] *contract*, shall be delivered to the group [policyholder] *contract holder* or mailed to the group [policyholder's] *contract holder's* last address as shown in the records of the [insurer] *health maintenance organization*, at least 30 days prior to the effective date of the cancellation.

5 Cancellation or Nonrenewal of Non-Group Health Maintenance Organization Contracts. Amend RSA 420-B:8-d to read as follows:

420-B:8-d Cancellation or Nonrenewal of Non-Group [Insurance] *Health Maintenance Organization* Contracts. No non-group [accident or health insurance] *health maintenance organization* contract, authorized under this chapter, may be cancelled or nonrenewed by the [insurer] *health maintenance organization* except for nonpayment of premium, unless the [insured] *enrolled participant* receives either a notice of cancellation or nonrenewal or an offer of renewal in accordance with this section. The notice of cancellation or nonrenewal or offer of renewal shall be delivered to the [insured] *enrolled participant* or mailed to the [insured's] *enrolled participant's* last address as shown in the records of the [insurer] *health maintenance organization* at least 30 days prior to the renewal date of the contract.

6 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill clarifies and corrects references to the provisions governing notification of insurance cancellation by health service corporations, group insurers, and health maintenance organizations.

**HB 166**, relative to registering voters in cooperative school districts. OUGHT TO PASS WITH AMENDMENT.

This bill makes it clear that once persons are registered to vote, and their names are on the checklist of their municipality, they also are entitled to vote in any cooperative school district election or meeting in their district. The Committee heard testimony that in school districts where the boundary lines are different from those of the municipality, some voters' names did not appear on the appropriate checklist. Vote 12-0. Rep. Susan S. Spear for Constitutional and Statutory Revision.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to voting in cooperative school districts.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Voting in Cooperative School Districts. Amend RSA 671:17 by inserting after paragraph II the following new paragraph:

III. Notwithstanding any other provision of law, any registered voter on a town or city checklist, who has his domicile within a cooperative school district, shall be eligible to vote at any cooperative school district election or meeting in the district where he has his domicile.

**HB 202-FN**, to extend the time period within which a corporation may reinstate its charter. OUGHT TO PASS WITH AMENDMENT.

This bill allows the Secretary of State's office to reinstate charters to comply with other state laws. Also, it reinstates the charter of the Bristol Federated Church. Vote 11-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

to extend the time period within which a corporation  
may reinstate its charter, relative to revival  
of charters of voluntary corporations,  
and reviving the charter of the  
Bristol Federated Church.

Amend the bill by replacing all after section 5 with the following:

6 Exception. Amend RSA 292:30, III to read as follows:

III. Upon the filing of the certificate of revival, the corporation shall be revived with the same force and effect as if its charter had not been forfeited pursuant to this subdivision. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed within the scope of its charter by the corporation, its officers and agents during the time when its charter was forfeited pursuant to this subdivision, with the same force and effect and to all intents and purposes as if the charter had at all times remained in full force and effect, *except as provided in paragraph IX*. All real and personal property, rights and credits, which belonged to the corporation at the time its charter became forfeited pursuant to this subdivision and which were not disposed of prior to the time of its revival shall be vested in the corporation after its revival as fully and amply as they were held by the corporation at and before the time its charter became forfeited pursuant to this subdivision; and the corporation after its revival shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its officers and agents prior to its reinstatement, as if its charter had at all times remained in full force and effect.

7 New Paragraph; Pending Actions. Amend RSA 292:30 by inserting after paragraph VIII the following new paragraph:

IX. Revival of a charter under this section shall not be construed to influence any pending actions or otherwise affect any liabilities or interfere with any course of action against such corporation for the period during which the charter was repealed or revoked.

8 Bristol Federated Church; Revival of Charter. Notwithstanding RSA 292:30, II(g), the Bristol Federated Church, of Bristol, New Hampshire, may procure the revival of its December 18, 1968, charter, which was revoked on April 26, 1977, by complying with the other requirements of RSA 292:30, II-IV. Upon compliance with the requirements of RSA 292:30, II-IV, including the payment of any fees in arrears and the filing with the secretary of state of any returns required by law, revival of the charter shall be retroactive to April 26, 1977.

9 Repeal. RSA 292:30, II(g), relative to legal action pending against voluntary corporations, is repealed.

10 Effective Date. This act shall take effect upon its passage.



## AMENDED ANALYSIS

This bill extends the period in which the secretary of state may permit a business corporation to reinstate its charter from 90 days to 3 years. Corporations shall be required to make application to the secretary of state for such reinstatement and to meet certain other conditions.

The bill requires the secretary of state to protect the name of an involuntarily dissolved corporation for a period of 120 days after dissolution. The corporation must change its name upon reinstatement if its name is not available at the time of reinstatement.

The bill authorizes the secretary of state to dissolve a corporation that fails to appoint or maintain a registered agent for a period of 60 days or more.

The bill provides that legal actions pending against a voluntary corporation during a period in which its charter was revoked shall not be affected by the reinstatement of the charter.

The bill revives the charter of the Bristol Federated Church which was revoked on April 26, 1977.

**HB 343-FN**, imposing a fine for failure to file reports and statements under the political expenditures and contributions law. RE-REFER TO COMMITTEE.

This bill would impose a daily fine of \$25 on any person who fails to file a report or statement dealing with political expenditures and contributions on the date when the report or statement is due. The Committee would like to have the opportunity to study this bill and come back with a recommendation to the House next year. Vote 10-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

**HB 226-FN**, relative to reimbursing the Plymouth school district for certain expenses and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

The requested reimbursement appropriation represents a statutory obligation (RSA 195-A:15) which had not been anticipated and thus had not been included in the Department of Education budget, dealing with an AREA school voting to become a Cooperative School District. The FN calls for state expenditures of \$6,000 in FY'91. Vote 18-0. Rep. Leo J. Spencer for Education.

## Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$6,000 is hereby appropriated to the Pemi-Baker cooperative school district for the fiscal year ending June 30, 1991. The appropriation is for the purpose of reimbursing the school district for expenses incurred in converting an area school plan to a cooperative school district pursuant to RSA 195-A:15, II. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

## AMENDED ANALYSIS

This bill appropriates \$6,000 to the Pemi-Baker cooperative school district for expenses incurred in converting an area school plan into a cooperative school district.

Referred to Appropriations.

**HB 294-FN**, relative to higher education benefits for children of law enforcement officers and firefighters killed in the line of duty. INEXPEDIENT TO LEGISLATE.

This Committee understands the need of providing encouragement to improve benefits for law enforcement officers and firefighters. However, a scholarship fund would

mean additional cost to the University System and postsecondary institutions. The bill is unclear as to eligibility of non-residents. Further, state postsecondary institutions and the University System do provide scholarships based on need and eligibility. Vote 18-0. Rep. Richard L. Champagne for Education.

**HB 361**, repealing certain obsolete education laws. OUGHT TO PASS.

This bill repeals two obsolete education laws. One pertaining to the Board of Nurse Examiners which is no longer a part of the Department of Education; the other pertains to a federal higher education loan program which has been discontinued. Vote 20-0. Rep. Nils H. Larson for Education.

**HB 204-FN**, requiring certain hunters to wear hunter orange. INEXPEDIENT TO LEGISLATE.

The Committee believes that hunter orange makes sense and most hunters wear it. Also, it discriminates between the hunter and non hunter. All persons in the woods should be educated, but not mandated to wear it. Vote 19-0. Rep. Bernard J. Raynowska for Fish and Game

**HB 290-FN**, relative to the sale of hunting licenses. OUGHT TO PASS WITH AMENDMENT.

This is a housekeeping bill requested by the Fish and Game Department. No one spoke against the bill. The amendment changes the effective date to read upon passage. Vote 19-0. Rep. Allen R. Wiggin for Fish and Game.

#### Amendment

Amend the bill by replacing section 2 with the following:  
2 Effective Date. This act shall take effect upon its passage.

**HB 325-FN**, relative to reciprocity of dog training. OUGHT TO PASS WITH AMENDMENT.

This is a department bill. As the law is now written (RSA 207:12) is unenforceable and with this change the Fish and Game Department can enforce the law. The amendment changes the effective date only. Vote 16-0. Rep. Gerald R. Smith for Fish and Game.

#### Amendment

Amend the bill by replacing section 2 with the following:  
2 Effective Date. This act shall take effect upon its passage.

**HB 179**, relative to authorization of treatment for communicable diseases. OUGHT TO PASS.

This bill allows the Director, Division of Public Health Services, to authorize treatment, under orders of a licensed physician, necessary to prevent or control the outbreak of a communicable disease. Vote 13-0. Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs.

**HB 213-FN**, relative to rates set for medicaid and the administrative procedure act. OUGHT TO PASS.

The Committee was unanimous in support of this bill, which would put into law a practice which is already in place. It allows the Director of the Division of Human Services to establish rates of reimbursement without the necessity of publication, since there are thousands of rates and costs that fluctuate so frequently. It only exempts the rates and not the methodology. Vote 15-0. Rep. Marilyn P. Senter for Health, Human Services and Elderly Affairs.

**HB 221-FN**, relative to respite care for Alzheimer's disease. OUGHT TO PASS.

This bill deletes the requirement that a person suffering from Alzheimer's disease may only use respite care services in an amount not to exceed \$500 per calendar year, and authorizes the Director of the Division of Elderly and Adult Services to establish by rule appropriate fees for respite care services. Vote 13-0. Rep. Joseph A. MacDonald for Health, Human Services and Elderly Affairs.

**HB 228-FN-A**, relative to augmentative communication devices and making an appropriation therefor. RE-REFER TO COMMITTEE.

House Bill 228 is re-referred to a subcommittee to further strengthen the bill by defining the term "severely communicatively disabled," plus giving an opportunity for expanding the rationale for the necessity of providing such augmentative communication devices. Vote 11-0. Rep. Gordon E. Wiggin Health, Human Services and Elderly Affairs.

**HB 255-FN**, establishing the New Hampshire foundation for mental health and the mental health foundation fund. OUGHT TO PASS.

This bill establishes the New Hampshire Foundation for Mental Health under the umbrella of the New Hampshire Charitable Trust Fund. The foundation shall be governed by a Board of Directors which will seek funds for research and education to encourage public understanding and support for the State Mental Health Services System. Vote 13-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

**HB 130-FN**, relative to mass transportation in certain cities. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, would allow the governing body of any city to raise and appropriate funds for a mass transportation system. It would also repeal a current provision requiring a 2/3 vote of the governing body when a referendum on the issue is not used. Vote 15-0. Rep. Donna M. Soucy for Municipal and County Government.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Power to Appropriate. Amend RSA 47:11-a, I to read as follows:

I. POWER TO APPROPRIATE. The governing body of any city may[, subject to the provisions of paragraphs II and III,] raise and appropriate such sums of money as public convenience or necessity may require, to aid or to contribute to a mass transportation system.

2 Repeal. RSA 47:11-a, III, relative to a 2/3 vote of the governing body concerning appropriations for mass transportation systems, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows the governing body of any city to raise and appropriate funds for a mass transportation system.

The bill repeals a provision requiring a 2/3 vote of the governing body where a referendum on the issue is not used.

**HB 152**, relative to electing the executive committee for the county convention in Merrimack county. INEXPEDIENT TO LEGISLATE.

The Committee feels that the Legislature should not interfere with county policy and local arrangements. The county can already do what this piece of legislation

seeks to do. Vote 15-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

**HB 168**, relative to highway classifications. OUGHT TO PASS WITH AMENDMENT.

This bill clarifies that roads not maintained for five years can be discontinued without action of the local legislative body. The bill makes RSA 231:45-a compatible with RSA 229:5, VII. Vote 15-0. Rep. Richard T. Treffa for Municipal and County Government.

#### Amendment

Amend RSA 231:45-a as inserted by section I of the bill be replacing it with the following:

I Highway Reclassification. Amend RSA 231:45-a to read as follows:

231:45-a Discontinuance of Highways Subject to Legislative Body Approval.

I. No class IV or V highway shall be discontinued or discontinued subject to gates and bars without the vote of the local legislative body as required by RSA 231:43 or RSA 231:45.

II. No vote or other action of the governing body shall be effective to reclassify a class IV or V highway as a class VI highway *unless the highway has not been maintained and repaired by the town in suitable condition for travel for 5 successive years or more as required in RSA 229:5, VII.*

III. Any municipality which neglects to maintain and repair a class IV or V highway, without the vote of the legislative body, shall be subject to proceedings under RSA 231:90 or RSA 231:82 at any time prior to the lapse of the 5-year period under RSA 229:5, VII.

**HB 217-FN**, instituting a mandatory elderly tax credit for individuals over 62 years of age. INEXPEDIENT TO LEGISLATE.

House Bill 217, if passed, would mandate that towns grant a \$250 rebate from their real estate taxes to every property owner more than 62 years of age. No means test is required. As written, this bill requires a 2/3 vote by the people in a town or city in order to revoke the law. This appears to be a state mandate that would force the municipalities to additional costs. All testimony, except that of the sponsor, was in opposition. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

**HB 218-FN**, establishing a local property tax homestead exemption. INEXPEDIENT TO LEGISLATE.

This bill would aim to provide an exemption of the assessed value of the residential real estate in the amount of \$500 for every property in which the owner resides. A municipality may opt out of this exemption by a 2/3 vote.

Except for the sponsor, all those testifying were opposed to this legislation. The Committee felt this bill: 1) represents a major policy shift in adoption procedure since the exemption would occur automatically unless the legislative body votes by 2/3 to opt out; 2) pushes more of the property tax burden on non-residential taxpayers; 3) and, in the judgment of the Committee this bill may in fact be a violation of Article 28-a of the New Hampshire Constitution. Vote 15-0. Rep. Thomas B. Salatiello for Municipal and County Government.



**HB 230**, relative to the amount and the application of the veterans' exemption and repealing the optional veterans' exemption. INEXPEDIENT TO LEGISLATE.

The Committee feels that this may be a mandated piece of legislation which would violate the prohibitions of Article 28-a. The Committee also feels this would repeal previous voluntary legislation passed in last year's session. It would also be a change of policy from previous veterans' exemption legislation, in that it would require a 2/3 vote of the legislative body to opt out of the mandated exemption. Vote 15-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

**HB 243**, relative to the number of signatures required to place a petitioned article on the warrant. OUGHT TO PASS.

In RSA 39:3 as it currently stands, the number of signatures to place a petitioned article on the warrant is "25 or more registered voters or two percent of the registered voters in the town whichever is less..." Thus, there is no minimum number of signatures required and this can mean, in some of our smaller towns, as few as one or two registered voters can petition a town meeting.

In the judgment of the Committee, this bill corrects a technical deficiency in that it will now be required that at least 10 signatures of registered voters be obtained to petition for a warrant article.

This bill does not alter the present requirement of RSA 39:3. Vote 14-0. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 163**, permitting consideration of annulled criminal records in the hiring and certification process for law enforcement officers. INEXPEDIENT TO LEGISLATE.

The Committee feels that enactment of this legislation would open the door to employers of prospective school teachers and school employees, security guards, armored car drivers and attendants, day care employees, etc. to request access to the annulled criminal records of job applicants. The courts would be extremely reluctant to grant access to annulled records on such a wholesale basis. Vote 17-0. Rep. Jeffrey M. Brown for Public Protection and Veterans Affairs.

**HB 453-FN**, authorizing the use of green emergency lights by licensed security agencies or other authorized persons. INEXPEDIENT TO LEGISLATE.

Enactment of this legislation would open the door to requests from a large number of "emergency type activities and persons" to be permitted similar type lights, with many different colors, for their vehicles for easy identification and passage through police and fire lines. It is entirely possible that electricians, plumbers, elevator and refrigeration mechanics and similar craftspersons would request colored lights in a wide variety of hues. The Committee felt that a proliferation of vehicles bearing various hues of colored lights would reduce the effectiveness of identification of those vehicles presently permitted the use of such lights for easy identification. Vote 11-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

**HB 352-FN**, relative to the oil discharge and disposal cleanup fund. OUGHT TO PASS WITH AMENDMENT.

The bill clarifies what expenses are eligible for reimbursement through the fund. It also allows the Oil Fund Disbursement Board to employ legal counsel, with the approval of Governor and Council, to assist in its duty. The amendment clarifies wording in the bill. Vote 15-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

### Amendment

Amend RSA 146-D:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Oil" means gasoline and diesel products *for purposes of collection of fees under RSA 146-D:3, and shall mean "oil" as defined under RSA 146-C:1, XII, for purposes of reimbursement of costs for cleanup and third party damages resulting from a discharge. For the purposes of collecting fees under RSA 146-D:3, the term "oil" shall not include natural gas, liquefied petroleum gas, or synthetic natural gas, regardless of derivation or source, or any oil or diesel products used for heating, processing, or generating electricity.*

**HB 493-FN**, relative to the design review fees for sewerage and wastewater projects. OUGHT TO PASS.

The Committee unanimously supports this bill. There was no opposition to this bill and with the Department of Environmental Services experience of flow records, the Department requested this fee be reduced. Vote 14-0. Rep. Mildred A. Beach for Resources, Recreation and Development.

**HB 100**, clarifying when a school bus driver must pull over to let other drivers pass. OUGHT TO PASS WITH AMENDMENT.

This bill specifies the number of vehicles and the conditions that must be safely complied with by the driver of the bus. Vote 14-1. Rep. Richard L. Haynes for Transportation.

### Amendment

Amend RSA 265:54, II as inserted by section 1 of the bill by replacing it with the following:

II. [Whenever road conditions and space permit and whenever the number of vehicles following a moving school bus is 5 or more, the] *The driver* of [the] *any* school bus *who is driving along a school bus route* shall pull over [and let the] *whenever conditions permit to allow 3 or more* following vehicles *to* pass. A driver passing the school bus must do so without driving any part of his vehicle to the left of or across any unbroken painted line marked on the highway.

### AMENDED ANALYSIS

This bill requires any driver of a school bus to pull over and let vehicles pass when at least 3 vehicles are following the school bus along a school bus route.

### REMOVED FROM THE TABLE

Rep. Hager moved that HB 50-FN-A, relative to state revenue and expenditures, be removed from the table. (Pending question: Ought to Pass with Amendment)

Adopted.

The Committee withdrew the pending amendment.

**HB 50-FN-A**, relative to state revenue and expenditures. OUGHT TO PASS WITH AMENDMENT.

This floor amendment contains all the language in the original amendment to HB 50 and subsequent updates. It contains needed money to fund current obligations of the state and some of the revenue adjustments to meet those needs. In addition it contains the employee furlough plan proposed by the Governor. Vote 15-5. Rep. Elizabeth S. Hager for Appropriations.

The Appropriations Committee offered a floor amendment:

### Floor Amendment

The Amendment was printed in its entirety in House Record No. 25 of February 20, 1991.

Rep. Hager requested that HB 50-FN-A be divided into four parts: sections 6 and 11; 8 and 9; 1 through 5, 7 and 12; and 10 for the purpose of voting.

The Chair ruled the amendment was so divisible.

Rep. Chambers spoke against sections 6 and 11 and yielded to questions.

Reps. LaMott and Hager spoke in favor and yielded to questions..

Roll call request sufficiently seconded.

The question being on sections 6 and 11.

### YEAS 221

### NAYS 137

#### YEAS 221

#### BELKNAP

|                           |                         |                          |
|---------------------------|-------------------------|--------------------------|
| Accornero, Harry          | Bartlett, Gordon E.     | Cain, Thomas G.          |
| Campbell, Richard H., Jr. | Hawkins, Robert S.      | Holbrook, Robert G.      |
| Johnson, Carl R.          | Rice, Thomas E. P., Jr. | Shibley, Arnold P.       |
| Turner, Robert H.         | Vogler, Charles C.      | Zaharchuk, Peter J., Jr. |
| Ziegra, Alice S.          |                         |                          |

#### CARROLL

|                   |                      |                     |
|-------------------|----------------------|---------------------|
| Allard, Nanci A.  | Beach, Mildred A.    | Bradley, Jeb E.     |
| Chandler, Gene G. | Dickinson, Howard C. | Dodge, A. Gibb, Jr. |
| Foster, Robert W. | Saunders, Howard N.  | Wiggin, Allen R.    |

#### CHESHIRE

|                    |                    |                      |
|--------------------|--------------------|----------------------|
| Clark, Eugene W.   | Cole, Stacey W.    | Crutchley, Donald O. |
| Feuer, Joseph N.   | Grodin, Richard A. | Hogan, James B.      |
| Hunt, John B.      | LaMar, David M.    | Laurent, John J.     |
| Lynch, Margaret A. | Morse, Jo Ann T.   | Pearson, Gertrude B. |
| Perry, David M.    | Sawyer, Alfred P.  |                      |

#### COOS

|                       |                    |                   |
|-----------------------|--------------------|-------------------|
| Brungot, Catherine V. | Guay, Lawrence J.  | Horton, Lynn C.   |
| Marsh, Beaton         | Merrill, Gerald P. | Nelson, Harold D. |
| Pratt, Leighton C.    |                    |                   |

#### GRAFTON

|                       |                         |                        |
|-----------------------|-------------------------|------------------------|
| Adams, Carl S.        | Arnesen, Deborah L.     | Bean, Pamela B.        |
| Brown, Channing T.    | Christy, C. Dana        | Driscoll, William J.   |
| Hill, Richard L.      | LaMott, Paul I.         | Larson, Nils H., Jr.   |
| Lougee, Richard W.    | McIlwaine, Deborah P.   | Nielsen, Niels F., Jr. |
| Scanlan, David M.     | Shackett, Ralph E.      | Stewart, Roger D.      |
| Teschner, Douglass P. | Trelfa, Richard T.      | Wadsworth, Karen O.    |
| Ward, Kathleen W.     | Whitcomb, Henry F., Jr. |                        |

#### HILLSBOROUGH

|                       |                       |                        |
|-----------------------|-----------------------|------------------------|
| Ahrens, Frederick G.  | Alukonis, David J.    | Amidon, Eleanor H.     |
| Andrews, Frederick B. | Arnold, Barbara E.    | Bowers, Dorothy C.     |
| Calawa, Leon, Jr.     | Cowenhoven, Garret P. | Desrosiers, William J. |
| Dodge, Emma M.        | Drolet, Paul L.       | Durham, Susan B.       |

Dyer, Merton S.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Greenglass, Alan B.  
 Holden, Carol H.  
 Kelley, Robert N.  
 Lawrence, Eva M.  
 Mason, Howard F.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Peters, Stanley W.  
 Rodgers, G. Philip  
 Smith, Leonard A.  
 Tarpley, Nancy L.  
 Vanderlosk, Stanley R.

Emerton, Lawrence A.  
 Fields, Dennis H.  
 Goulet, Maurice E.  
 Gureckis, Adam C., Sr.  
 Jasper, Shawn N.  
 Kurk, Neal M.  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Sallada, Roland A.  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Wheeler, Robert L.

Ferguson, Charles  
 Ford, Nancy M.  
 Green, Scott E.  
 Haettenschwiler, Alphonse  
 Kelley, Dana F.  
 Lachut, Ervin R.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Perham, Lester R.  
 Rheault, Lillian I.  
 Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Upton, Barbara A.  
 Wibby, Linda S.

### MERRIMACK

Anderson, Eleanor M.  
 Boucher, Laurent J.  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Kidder, William F.  
 Nichols, Avis B.  
 Teague, Bert

Apple, Lowell D.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lewis, Mary Ann  
 Smith, Gerald R.  
 Wallner, Mary Jane

Asplund, Bronwyn L.  
 Chandler, John P.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Stio, Peter M.  
 Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
 Brown, Jeffrey M.  
 Chase, Lawrence A., Jr.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Vaughn, Charles L.

Benton, Richardson D.  
 Buco, Stephen W.  
 Chulack, Peter G., Sr.  
 Cooke, Annette M.  
 Drake, Herbert R.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Rubin, George R.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Thayer, Leroy C.  
 Welch, David A.

Boucher, William P.  
 Campbell, Eunice M.  
 Connell, David R.  
 Cote, Patricia L.  
 Falwell, Robert V.  
 Flanders, Harry E.  
 Haynes, Richard  
 Hurst, Sharleene P.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Packard, Sherman A.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Sytek, John J.  
 Tufts, Arthur

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Keans, Sandra B.

Brown, Julie M.  
 Flynn, Edward J.  
 Kinney, Paula J.



Marston, Robert E.  
Nehring, William H.  
Torr, Ann M.  
Wheeler, Katherine W.

Martling, W. Kent  
Parks, Joe B.  
Tsiros, William  
Young, John B.

Musler, George T.  
Pelley, Janet R.  
Wall, Janet G.

### **SULLIVAN**

Behrens, Thomas A.  
Middleton, John A.  
Schotanus, Merle W.

Krueger, Richard H.  
Peyron, Fredrik

Lindblade, Eric N.  
Rodeschin, Beverly T.

### **NAYS 137**

### **BELKNAP**

Dewhirst, Glenn E.  
Maviglio, Steven R.

Golden, Paul A.  
Salatiello, Thomas B.

Joscelyn, William W.

### **CARROLL**

Daly, Robert J., Jr.

Jean, Robert R.

Wiggin, Gordon E.

### **CHESHIRE**

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Spear, Susan S.

Champagne, Richard L.  
Foster, Katherine D.  
Pratt, Irene A.

Cole, Kenneth A.  
Kennison, Wayne A.  
Riley, William A.

### **COOS**

Coulombe, Henry W.  
Oliver, Terry D.

Kilbride, Dennis J.

Mayhew, Josephine

### **GRAFTON**

Brown, Patricia B.  
Dow, David  
Nordgren, Sharon L.

Chambers, Mary P.  
Guest, Robert H.  
White, Paul R.

Copenhaver, Marion L.  
Markley, J. Keith

### **HILLSBOROUGH**

Baker, George H., Sr.  
Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Hall, Betty B.  
Hickey, Janet E.  
Jean, Romeo W.  
Keane, Cornelius J.  
Larochelle, Roger B.  
Leclerc, Charles J.  
McDowell, James E.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Riley, Frances L.  
Turgeon, Roland M.  
Wright, George W.

Baldizar, Barbara J.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Dwyer, Patricia R.  
Gagnon, Gabrielle V.  
Hanselman, Gregory L.  
Hultgren, David D.  
Johnson, Lionel W.  
King, Frank P.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
Murphy, Robert E.  
Ouellette, Robert O.  
Pignatelli, Debora B.  
Rothhaus, Finlay C.  
Wheeler, David K.

Baroody, Benjamin C.  
Chasse, Richard D.  
Cote, David E.  
Daniels, Gary L.  
Donovan, Francis X.  
Elliott, Larry G.  
Gosselin, Gerald O.  
Healy, Walter F.  
Janas, Gregory  
Jordan, Mary H.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Soucy, Donna M.  
White, John M.

**MERRIMACK**

Barberia, Richard A.  
Daneault, Gabriel J.  
Letourneau, George E.  
Soldati, Jennifer G.

Braiterman, Thea  
Dunn, Miriam D.  
Millard, Elizabeth S.  
Trombly, Rick A.

Christie, Thomas J.  
Johnson, Joyce M.  
Molner, Mary E.  
Yeaton, Charles B.

**ROCKINGHAM**

Bell, Juanita L.  
Christie, Andrew, Jr.  
DiPietro, Carmela M.  
Flanders, David A.  
Hutchinson, Karen K.  
MacDonald, Joseph A.  
Palazzo, Frank J.  
Splaine, John E., Sr.

Campbell, Marilyn R.  
Clark, Martha Fuller  
Dowling, Patricia A.  
Ford, Bert H.  
Hynes, Carolyn E.  
MacKinnon, Nancy W.  
Pantelakos, Laura C.  
Warburton, Calvin

Caswell, Albert, Jr.  
Coffey, John J.  
Dube, LeRoy S.  
Gribsch, Linda  
Kane, Cecelia D.  
McKinney, Betsy  
Schanda, Joseph, Sr.  
Woods, Deborah L.

**STRAFFORD**

Frechette, Roland A.  
Jankowski, Peter M.  
Merrill, Amanda A.  
Torr, Ralph W.

Gilmore, Gary R.  
Kincaid, William K.  
O'Brien, John  
Vincent, Francis C.

Hambrick, Patricia A.  
McCann, William H., Jr.  
Pageotte, Donald P.

**SULLIVAN**

Allison, David C.  
Tetu, Michael A.

Burling, Peter Hoe  
Walsh, Robert R.

Stamatakis, Carol M.

and sections 6 and 11 were adopted.

Rep. Gilbreth notified the Clerk that he wished to be recorded in favor of sections 6 and 11.

Rep. Douglas Hall spoke in favor of sections 8 and 9 and yielded to questions.

Rep. Raymond Buckley spoke against.

Sections 8 and 9 were adopted.

Rep. DePecol notified the Clerk that he wished to be recorded in opposition to section 9.

Rep. Channing Brown spoke in favor of sections 1 through 5, 7 and 12 and yielded to questions.

Reps. Spear and Arnesen spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on sections 1 through 5, 7 and 12.

**YEAS 204****NAYS 157****YEAS 204  
BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.  
Ziegra, Alice S.

Cain, Thomas G.  
Hawkins, Robert S.  
Salatiello, Thomas B.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Dickinson, Howard C.  
Saunders, Howard N.

Beach, Mildred A.  
Dodge, A. Gibb, Jr.

Chandler, Gene G.  
Foster, Robert W.

**CHESHIRE**

|                    |                      |                      |
|--------------------|----------------------|----------------------|
| Cole, Stacey W.    | Crutchley, Donald O. | Feuer, Joseph N.     |
| Grodin, Richard A. | Hogan, James B.      | Hunt, John B.        |
| Laurent, John J.   | Morse, Jo Ann T.     | Pearson, Gertrude B. |
| Perry, David M.    | Sawyer, Alfred P.    |                      |

**COOS**

|                       |                    |                    |
|-----------------------|--------------------|--------------------|
| Brungot, Catherine V. | Guay, Lawrence J.  | Horton, Lynn C.    |
| Marsh, Beaton         | Merrill, Gerald P. | Pratt, Leighton C. |

**GRAFTON**

|                     |                        |                         |
|---------------------|------------------------|-------------------------|
| Adams, Carl S.      | Bean, Pamela B.        | Brown, Channing T.      |
| Christy, C. Dana    | Driscoll, William J.   | Hill, Richard L.        |
| LaMott, Paul I.     | Larson, Nils H., Jr.   | Lougee, Richard W.      |
| Markley, J. Keith   | Nielsen, Niels F., Jr. | Scanlan, David M.       |
| Shackett, Ralph E.  | Stewart, Roger D.      | Teschner, Douglass P.   |
| Wadsworth, Karen O. | Ward, Kathleen W.      | Whitcomb, Henry F., Jr. |

**HILLSBOROUGH**

|                       |                          |                        |
|-----------------------|--------------------------|------------------------|
| Ahrens, Frederick G.  | Alukonis, David J.       | Amidon, Eleanor H.     |
| Andrews, Frederick B. | Arnold, Barbara E.       | Bowers, Dorothy C.     |
| Calawa, Leon, Jr.     | Cowenhoven, Garret P.    | Desrosiers, William J. |
| Drolet, Paul L.       | Durham, Susan B.         | Dyer, Merton S.        |
| Emerton, Lawrence A.  | Ferguson, Charles        | Ferlan, Arthur P.      |
| Fields, Dennis H.     | Ford, Nancy M.           | Gagnon, Eugene L.      |
| Green, Scott E.       | Greenglass, Alan B.      | Gureckis, Adam C., Sr. |
| Healy, Daniel J.      | Holden, Carol H.         | Hultgren, David D.     |
| Jasper, Shawn N.      | Kelley, Dana F.          | Kelley, Robert N.      |
| Kurk, Neal M.         | Lachut, Ervin R.         | Lawrence, Eva M.       |
| Lown, Elizabeth D.    | Mason, Howard F.         | McCann, Bonnie Lou     |
| McNerney, Daniel P.   | McRae, Karen K.          | Mercer, Robert S.      |
| Messier, Irene M.     | Moore, Elizabeth A.      | Packard, Bonnie B.     |
| Perham, Lester R.     | Peters, Stanley W.       | Record, Alice B.       |
| Rheault, Lillian I.   | Riley, Frances L.        | Rodgers, G. Philip     |
| Sallada, Roland A.    | Searles, Stanley N., Sr. | Smith, Leonard A.      |
| Steiner, Lee Anne     | Stiles, Walter A.        | Tarpley, Nancy L.      |
| Tate, Joan C.         | Vanderlosk, Stanley R.   | Wheeler, Robert L.     |
| Wihby, Linda S.       |                          |                        |

**MERRIMACK**

|                      |                     |                     |
|----------------------|---------------------|---------------------|
| Anderson, Eleanor M. | Apple, Lowell D.    | Asplund, Bronwyn L. |
| Boucher, Laurent J.  | Chandler, Earle W.  | Chandler, John P.   |
| Fair, Patricia A.    | Fillion, Paul R.    | Gilbreth, Robert M. |
| Gross, Caroline L.   | Hager, Elizabeth S. | Hall, Douglas E.    |
| Hayes, Robert C.     | Hill, Michael J.    | Holmes, Mary C.     |
| Johnson, C. William  | Kidder, William F.  | Lewis, Mary Ann     |
| Lockwood, Robert A.  | Nichols, Avis B.    | Stio, Peter M.      |
| Teague, Bert         | Weeks, John F., Jr. |                     |

**ROCKINGHAM**

Barnes, John S., Jr.  
 Buco, Stephen W.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Rubin, George R.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Welch, David A.

Benton, Richardson D.  
 Chase, Lawrence A., Jr.  
 Coffey, John J.  
 Cooke, Annette M.  
 Drake, Herbert R.  
 Flanders, Harry E.  
 Haynes, Richard  
 Hutchinson, Karen K.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Packard, Sherman A.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Thayer, Leroy C.

Boucher, William P.  
 Christie, Andrew, Jr.  
 Connell, David R.  
 Cote, Patricia L.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Tufts, Arthur

**STRAFFORD**

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Kinney, Paula J.  
 Nehring, William H.  
 Torr, Ralph W.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Frechette, Roland A.  
 Marston, Robert E.  
 Parks, Joe B.  
 Tsiros, William

Brown, Julie M.  
 Flynn, Edward J.  
 Keans, Sandra B.  
 Martling, W. Kent  
 Torr, Ann M.  
 Young, John B.

**SULLIVAN**

Behrens, Thomas A.  
 Peyron, Fredrik

Krueger, Richard H.  
 Rodeschin, Beverly T.

Middleton, John A.  
 Schotanus, Merle W.

**NAYS 157****BELKNAP**

Golden, Paul A.  
 Maviglio, Steven R.

Johnson, Carl R.

Joscelyn, William W.

**CARROLL**

Bradley, Jeb E.  
 Wiggan, Allen R.

Daly, Robert J., Jr.  
 Wiggan, Gordon E.

Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.  
 Cole, Kenneth A.  
 Kennison, Wayne A.  
 Lynch, Margaret A.  
 Spear, Susan S.

Champagne, Richard L.  
 DePecol, Benjamin J.  
 Kingsbury, H. Thayer  
 Pratt, Irene A.

Clark, Eugene W.  
 Foster, Katherine D.  
 LaMar, David M.  
 Riley, William A.

**COOS**

Coulombe, Henry W.  
 Mayhew, Josephine

Hawkinson, Marie C.  
 Nelson, Harold D.

Kilbride, Dennis J.  
 Oliver, Terry D.

**GRAFTON**

Arnesen, Deborah L.  
 Copenhaver, Marion L.  
 McIlwaine, Deborah P.

Brown, Patricia B.  
 Dow, David  
 Nordgren, Sharon L.

Chambers, Mary P.  
 Guest, Robert H.  
 White, Paul R.



**HILLSBOROUGH**

|                       |                         |                            |
|-----------------------|-------------------------|----------------------------|
| Baker, George H., Sr. | Baldizar, Barbara J.    | Baroody, Benjamin C.       |
| Bourque, Ann J.       | Buckley, Raymond        | Chasse, Richard D.         |
| Clemons, Jane A.      | Cook, Valerie S.        | Cote, David E.             |
| Crotty, Edward J.     | Daigle, Robert A.       | Daniels, Gary L.           |
| Desrochers, Gerard T. | Dodge, Emma M.          | Domaingue, Jacquelyn M.    |
| Donovan, Francis X.   | Drabinowicz, A. Theresa | Dwyer, Patricia R.         |
| Elliott, Larry G.     | Gage, Ruth E.           | Gagnon, Gabrielle V.       |
| Gosselin, Gerald O.   | Goulet, Maurice E.      | Haettenschwiller, Alphonse |
| Hall, Betty B.        | Hanselman, Gregory L.   | Healy, Walter F.           |
| Hickey, Janet E.      | Janas, Gregory          | Jean, Romeo W.             |
| Johnson, Lionel W.    | Jordan, Mary H.         | Keane, Cornelius J.        |
| King, Frank P.        | L'Heureux, Robert J.    | Larochelle, Roger B.       |
| Laughlin, J. Francis  | Lawrence, Norman B.     | Leclerc, Charles J.        |
| Lefebvre, Roland J.   | Lozeau, Donnalee M.     | Martin, Mary Ellen         |
| McDowell, James E.    | Murphy, Robert E.       | Nardi, Theodora P.         |
| O'Rourke, Joanne A.   | Ouellette, Robert O.    | Paquette, Rodolphe G.      |
| Pepino, Leo P.        | Pignatelli, Debora B.   | Reidy, Frank J.            |
| Rothhaus, Finlay C.   | Soucy, Donna M.         | Turgeon, Roland M.         |
| Upton, Barbara A.     | Wheeler, David K.       | White, John M.             |
| Wright, George W.     |                         |                            |

**MERRIMACK**

|                       |                       |                     |
|-----------------------|-----------------------|---------------------|
| Barberia, Richard A.  | Braiterman, Thea      | Christie, Thomas J. |
| Daneault, Gabriel J.  | Dunn, Miriam D.       | Johnson, Joyce M.   |
| Letourneau, George E. | Millard, Elizabeth S. | Molner, Mary E.     |
| Smith, Gerald R.      | Soldati, Jennifer G.  | Trombly, Rick A.    |
| Wallner, Mary Jane    | Yeaton, Charles B.    |                     |

**ROCKINGHAM**

|                      |                       |                       |
|----------------------|-----------------------|-----------------------|
| Bell, Juanita L.     | Brown, Jeffrey M.     | Campbell, Eunice M.   |
| Campbell, Marilyn R. | Caswell, Albert, Jr.  | Clark, Martha Fuller  |
| DiPietro, Carmela M. | Dowling, Patricia A.  | Dube, LeRoy S.        |
| Falwell, Robert V.   | Flanders, David A.    | Ford, Bert H.         |
| Griebsch, Linda      | Hoar, John, Jr.       | Hynes, Carolyn E.     |
| Kane, Cecelia D.     | MacDonald, Joseph A.  | MacKinnon, Nancy W.   |
| McGovern, Cynthia A. | Palazzo, Frank J.     | Pantelakos, Laura C.  |
| Roulston, Donald L.  | Schanda, Joseph, Sr.  | Splaine, John E., Sr. |
| Syracusa, Anthony    | Terninko, Margaret B. | Vaughn, Charles L.    |
| Warburton, Calvin    | Woods, Deborah L.     |                       |

**STRAFFORD**

|                       |                         |                     |
|-----------------------|-------------------------|---------------------|
| Gilmore, Gary R.      | Hambrick, Patricia A.   | Jankowski, Peter M. |
| Kincaid, William K.   | McCann, William H., Jr. | Merrill, Amanda A.  |
| O'Brien, John         | Pageotte, Donald P.     | Pelley, Janet R.    |
| Sullivan, Henry P.    | Vincent, Francis C.     | Wall, Janet G.      |
| Wheeler, Katherine W. |                         |                     |

**SULLIVAN**

|                      |                    |                    |
|----------------------|--------------------|--------------------|
| Allison, David C.    | Burling, Peter Hoe | Lindblade, Eric N. |
| Stamatakis, Carol M. | Tetu, Michael A.   | Walsh, Robert R.   |

and sections 1 through 5, 7 and 12 were adopted.

Rep. Dunn spoke against section 10 and yielded to questions.  
 Rep. Kurk spoke in favor and yielded to questions.  
 Rep. Chambers spoke against and yielded to questions.  
 Rep. Stacey Cole spoke in favor and yielded to questions.  
 Rep. Hawkins spoke against.  
 Rep. Gross spoke in favor and yielded to questions.  
 Roll call request sufficiently seconded.  
 The question being on section 10.

**YEAS 194****NAYS 160****YEAS 194****BELKNAP**

Accornero, Harry  
 Holbrook, Robert G.  
 Turner, Robert H.  
 Ziegler, Alice S.

Bartlett, Gordon E.  
 Rice, Thomas E. P., Jr.  
 Vogler, Charles C.

Campbell, Richard H., Jr.  
 Shibley, Arnold P.  
 Zaharchuk, Peter J., Jr.

**CARROLL**

Allard, Nanci A.  
 Chandler, Gene G.  
 Dodge, A. Gibb, Jr.  
 Wiggin, Allen R.

Beach, Mildred A.  
 Daly, Robert J., Jr.  
 Foster, Robert W.  
 Wiggin, Gordon E.

Bradley, Jeb E.  
 Dickinson, Howard C.  
 Saunders, Howard N.

**CHESHIRE**

Cole, Stacey W.  
 Grodin, Richard A.  
 Morse, Jo Ann T.

Crutchley, Donald O.  
 Hogan, James B.  
 Pearson, Gertrude B.

Feuer, Joseph N.  
 Hunt, John B.  
 Perry, David M.

**COOS**

Brungot, Catherine V.  
 Marsh, Beaton

Guay, Lawrence J.  
 Merrill, Gerald P.

Horton, Lynn C.  
 Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
 Christy, C. Dana  
 LaMott, Paul I.  
 Markley, J. Keith  
 Shackett, Ralph E.  
 Wadsworth, Karen O.

Bean, Pamela B.  
 Driscoll, William J.  
 Larson, Nils H., Jr.  
 Nielsen, Niels F., Jr.  
 Stewart, Roger D.  
 Ward, Kathleen W.

Brown, Channing T.  
 Hill, Richard L.  
 Lougee, Richard W.  
 Scanlan, David M.  
 Teschner, Douglass P.  
 Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Andrews, Frederick B.  
 Calawa, Leon, Jr.  
 Desrosiers, William J.  
 Dyer, Merton S.  
 Ford, Nancy M.  
 Hanselman, Gregory L.  
 Hickey, Janet E.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.

Alukonis, David J.  
 Arnold, Barbara E.  
 Cowenhoven, Garret P.  
 Drolet, Paul L.  
 Emerton, Lawrence A.  
 Gagnon, Eugene L.  
 Healy, Daniel J.  
 Holden, Carol H.  
 Kurk, Neal M.  
 Lawrence, Eva M.  
 Mason, Howard F.  
 McRae, Karen K.

Amidon, Eleanor H.  
 Bowers, Dorothy C.  
 Desrochers, Gerard T.  
 Durham, Susan B.  
 Fields, Dennis H.  
 Greenglass, Alan B.  
 Healy, Walter F.  
 Jasper, Shawn N.  
 L'Heureux, Robert J.  
 Lawrence, Norman B.  
 McCann, Bonnie Lou  
 Mercer, Robert S.

Messier, Irene M.  
 Perham, Lester R.  
 Rheault, Lillian I.  
 Rothhaus, Finlay C.  
 Stiles, Walter A.  
 Vanderlosk, Stanley R.

Packard, Bonnie B.  
 Peters, Stanley W.  
 Riley, Frances L.  
 Sallada, Roland A.  
 Tarpley, Nancy L.  
 Wheeler, David K.

Pepino, Leo P.  
 Record, Alice B.  
 Rodgers, G. Philip  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
 Chandler, Earle W.  
 Hager, Elizabeth S.  
 Holmes, Mary C.  
 Nichols, Avis B.

Asplund, Bronwyn L.  
 Chandler, John P.  
 Hall, Douglas E.  
 Kidder, William F.  
 Stio, Peter M.

Boucher, Laurent J.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Lewis, Mary Ann  
 Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
 Bucu, Stephen W.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Hutchinson, Karen K.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McKinney, Betsy  
 Rubin, George R.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Welch, David A.

Benton, Richardson D.  
 Campbell, Eunice M.  
 Coffey, John J.  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Falwell, Robert V.  
 Flanders, Harry E.  
 Haynes, Richard  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 Raynowska, Bernard J.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Woods, Deborah L.

Boucher, William P.  
 Chase, Lawrence A., Jr.  
 Connell, David R.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Keith, Brenda E.  
 MacKinnon, Nancy W.  
 McCarthy, John J., Jr.  
 Roulston, Donald L.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Tufts, Arthur

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Marston, Robert E.  
 Parks, Joe B.  
 Tsiros, William

Bickford, Drucilla  
 Douglass, Clyde J.  
 Frechette, Roland A.  
 Martling, W. Kent  
 Torr, Ann M.  
 Young, John B.

Brown, Julie M.  
 Flynn, Edward J.  
 Kinney, Paula J.  
 Nehring, William H.  
 Torr, Ralph W.

### SULLIVAN

Behrens, Thomas A.  
 Middleton, John A.  
 Schotanus, Merle W.

Krueger, Richard H.  
 Peyron, Fredrik

Lindblade, Eric N.  
 Rodeschin, Beverly T.

### NAYS 160 BELKNAP

Dewhirst, Glenn E.  
 Johnson, Carl R.

Golden, Paul A.  
 Joscelyn, William W.

Hawkins, Robert S.  
 Maviglio, Steven R.

### CARROLL

Jean, Robert R.

**CHESHIRE**

|                    |                       |                      |
|--------------------|-----------------------|----------------------|
| Burnham, Daniel M. | Champagne, Richard L. | Clark, Eugene W.     |
| Cole, Kenneth A.   | DePecol, Benjamin J.  | Foster, Katherine D. |
| Kennison, Wayne A. | Kingsbury, H. Thayer  | LaMar, David M.      |
| Laurent, John J.   | Lynch, Margaret A.    | Pratt, Irene A.      |
| Riley, William A.  | Spear, Susan S.       |                      |

**COOS**

|                    |                     |                     |
|--------------------|---------------------|---------------------|
| Coulombe, Henry W. | Hawkinson, Marie C. | Kilbride, Dennis J. |
| Mayhew, Josephine  | Nelson, Harold D.   | Oliver, Terry D.    |

**GRAFTON**

|                       |                     |                   |
|-----------------------|---------------------|-------------------|
| Arnesen, Deborah L.   | Brown, Patricia B.  | Chambers, Mary P. |
| Copenhaver, Marion L. | Dow, David          | Guest, Robert H.  |
| McIlwaine, Deborah P. | Nordgren, Sharon L. | White, Paul R.    |

**HILLSBOROUGH**

|                         |                         |                            |
|-------------------------|-------------------------|----------------------------|
| Baker, George H., Sr.   | Baldizar, Barbara J.    | Baroody, Benjamin C.       |
| Bourque, Ann J.         | Buckley, Raymond        | Chasse, Richard D.         |
| Clemons, Jane A.        | Cook, Valerie S.        | Cote, David E.             |
| Crotty, Edward J.       | Daigle, Robert A.       | Daniels, Gary L.           |
| Dodge, Emma M.          | Domaingue, Jacquelyn M. | Donovan, Francis X.        |
| Drabinowicz, A. Theresa | Dwyer, Patricia R.      | Elliott, Larry G.          |
| Ferguson, Charles       | Ferlan, Arthur P.       | Gage, Ruth E.              |
| Gagnon, Gabrielle V.    | Gosselin, Gerald O.     | Goulet, Maurice E.         |
| Green, Scott E.         | Gureckis, Adam C., Sr.  | Haettenschwiller, Alphonse |
| Hall, Betty B.          | Hultgren, David D.      | Janas, Gregory             |
| Jean, Romeo W.          | Johnson, Lionel W.      | Jordan, Mary H.            |
| Keane, Cornelius J.     | Kelley, Dana F.         | King, Frank P.             |
| Larochelle, Roger B.    | Laughlin, J. Francis    | Leclerc, Charles J.        |
| Lefebvre, Roland J.     | Lozeau, Donnalee M.     | Martin, Mary Ellen         |
| McDowell, James E.      | Moore, Elizabeth A.     | Murphy, Robert E.          |
| Nardi, Theodora P.      | O'Rourke, Joanne A.     | Ouellette, Robert O.       |
| Paquette, Rodolphe G.   | Pignatelli, Debora B.   | Reidy, Frank J.            |
| Soucy, Donna M.         | Turgeon, Roland M.      | Upton, Barbara A.          |
| White, John M.          | Wright, George W.       |                            |

**MERRIMACK**

|                       |                      |                       |
|-----------------------|----------------------|-----------------------|
| Anderson, Eleanor M.  | Barberia, Richard A. | Braiterman, Thea      |
| Christie, Thomas J.   | Daneault, Gabriel J. | Dunn, Miriam D.       |
| Fair, Patricia A.     | Fillion, Paul R.     | Gilbreth, Robert M.   |
| Hayes, Robert C.      | Johnson, C. William  | Johnson, Joyce M.     |
| Letourneau, George E. | Lockwood, Robert A.  | Millard, Elizabeth S. |
| Molner, Mary E.       | Smith, Gerald R.     | Soldati, Jennifer G.  |
| Teague, Bert          | Trombly, Rick A.     | Wallner, Mary Jane    |
| Yeaton, Charles B.    |                      |                       |

**ROCKINGHAM**

|                      |                       |                      |
|----------------------|-----------------------|----------------------|
| Bell, Juanita L.     | Brown, Jeffrey M.     | Campbell, Marilyn R. |
| Caswell, Albert, Jr. | Christie, Andrew, Jr. | Clark, Martha Fuller |
| Dube, LeRoy S.       | Flanders, David A.    | Ford, Bert H.        |
| Griebsch, Linda      | Hoar, John, Jr.       | Hurst, Sharleene P.  |



Hynes, Carolyn E.  
MacDonald, Joseph A.  
Packard, Sherman A.  
Schanda, Joseph, Sr.  
Terninko, Margaret B.

Kane, Cecelia D.  
McCain, William F.  
Palazzo, Frank J.  
Splaine, John E., Sr.  
Vaughn, Charles L.

Klemarczyk, Thaddeus E.  
Melnick, Roy E.  
Pantelakos, Laura C.  
Syracusa, Anthony  
Warburton, Calvin

### STRAFFORD

Gilmore, Gary R.  
Keans, Sandra B.  
Merrill, Amanda A.  
Pelley, Janet R.  
Wall, Janet G.

Hambrick, Patricia A.  
Kincaid, William K.  
O'Brien, John  
Sullivan, Henry P.  
Wheeler, Katherine W.

Jankowski, Peter M.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Vincent, Francis C.

### SULLIVAN

Allison, David C.  
Tetu, Michael A.

Burling, Peter Hoe  
Walsh, Robert R.

Stamatakis, Carol M.

and section 10 was adopted.

Reps. Salatiello and Robert Johnson abstained from voting under Rule 16.

The question now before the House was on ordering HB-50, as amended, to third reading.

Rep. Thomas Christie spoke against.

Reps. Nielsen and Gross spoke in favor.

Roll call request sufficiently seconded.

### YEAS 195

### NAYS 147

#### YEAS 195

#### BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Bartlett, Gordon E.  
Hawkins, Robert S.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Cain, Thomas G.  
Holbrook, Robert G.  
Turner, Robert H.  
Ziegra, Alice S.

#### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Foster, Robert W.

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

#### CHESHIRE

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Perry, David M.

Crutchley, Donald O.  
Hogan, James B.  
Morse, Jo Ann T.

Feuer, Joseph N.  
Hunt, John B.  
Pearson, Gertrude B.

#### COOS

Brungot, Catherine V.  
Marsh, Beaton

Guay, Lawrence J.  
Merrill, Gerald P.

Horton, Lynn C.  
Pratt, Leighton C.

#### GRAFTON

Adams, Carl S.  
Brown, Patricia B.  
Hill, Richard L.  
Lougee, Richard W.

Bean, Pamela B.  
Christy, C. Dana  
LaMott, Paul I.  
Markley, J. Keith

Brown, Channing T.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.

Scanlan, David M.  
 Teschner, Douglass P.  
 Whitcomb, Henry F., Jr.

Shackett, Ralph E.  
 Wadsworth, Karen O.  
 White, Paul R.

Stewart, Roger D.  
 Ward, Kathleen W.

### HILLSBOROUGH

Ahrens, Frederick G.  
 Andrews, Frederick B.  
 Calawa, Leon, Jr.  
 Desrosiers, William J.  
 Durham, Susan B.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Green, Scott E.  
 Holden, Carol H.  
 Kelley, Robert N.  
 Lawrence, Eva M.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Perham, Lester R.  
 Rheault, Lillian I.  
 Sallada, Roland A.  
 Tarpley, Nancy L.  
 Vanderlosk, Stanley R.

Alukonis, David J.  
 Arnold, Barbara E.  
 Cowenhoven, Garret P.  
 Dodge, Emma M.  
 Dyer, Merton S.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Greenglass, Alan B.  
 Jasper, Shawn N.  
 Kurk, Neal M.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Peters, Stanley W.  
 Riley, Frances L.  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Wheeler, Robert L.

Amidon, Eleanor H.  
 Bowers, Dorothy C.  
 Desrochers, Gerard T.  
 Drolet, Paul L.  
 Emerton, Lawrence A.  
 Fields, Dennis H.  
 Goulet, Maurice E.  
 Gureckis, Adam C., Sr.  
 Kelley, Dana F.  
 Lachut, Ervin R.  
 Mason, Howard F.  
 McRae, Karen K.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Rodgers, G. Philip  
 Stiles, Walter A.  
 Upton, Barbara A.

### MERRIMACK

Apple, Lowell D.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lewis, Mary Ann  
 Stio, Peter M.

Asplund, Bronwyn L.  
 Chandler, John P.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Teague, Bert

Boucher, Laurent J.  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Kidder, William F.  
 Nichols, Avis B.  
 Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
 Buco, Stephen W.  
 Coffey, John J.  
 Cooke, Annette M.  
 Drake, Herbert R.  
 Flanders, John W., Sr.  
 Hurst, Sharleene P.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Packard, Sherman A.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Thayer, Leroy C.

Benton, Richardson D.  
 Chase, Lawrence A., Jr.  
 Connell, David R.  
 Cote, Patricia L.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Tufts, Arthur

Boucher, William P.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanders, Harry E.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Rubin, George R.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Welch, David A.

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.

Bickford, Drucilla  
 Douglass, Clyde J.

Brown, Julie M.  
 Flynn, Edward J.

Foss, Patricia H.  
Martling, W. Kent  
Torr, Ann M.

Kinney, Paula J.  
Nehring, William H.  
Tsiros, William

Marston, Robert E.  
Parks, Joe B.  
Young, John B.

#### **SULLIVAN**

Behrens, Thomas A.  
Middleton, John A.  
Schotanus, Merle W.

Krueger, Richard H.  
Peyron, Fredrik

Lindblade, Eric N.  
Rodeschin, Beverly T.

#### **NAYS 147 BELKNAP**

Dewhirst, Glenn E.  
Joscelyn, William W.

Golden, Paul A.  
Maviglio, Steven R.

Johnson, Carl R.  
Salatiello, Thomas B.

#### **CARROLL**

Bradley, Jeb E.

Jean, Robert R.

Wiggin, Gordon E.

#### **CHESHIRE**

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Champagne, Richard L.  
Foster, Katherine D.  
LaMar, David M.  
Riley, William A.

Clark, Eugene W.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Spear, Susan S.

#### **COOS**

Coulombe, Henry W.  
Mayhew, Josephine

Hawkinson, Marie C.  
Nelson, Harold D.

Kilbride, Dennis J.  
Oliver, Terry D.

#### **GRAFTON**

Arnesen, Deborah L.  
Dow, David  
Nordgren, Sharon L.

Chambers, Mary P.  
Guest, Robert H.

Copenhaver, Marion L.  
McIlwaine, Deborah P.

#### **HILLSBOROUGH**

Baldizar, Barbara J.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Donovan, Francis X.  
Elliott, Larry G.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Hultgren, David D.  
Johnson, Lionel W.  
King, Frank P.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
Murphy, Robert E.  
Ouellette, Robert O.  
Pignatelli, Debora B.  
Soucy, Donna M.  
White, John M.

Baroody, Benjamin C.  
Chasse, Richard D.  
Cote, David E.  
Daniels, Gary L.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Janas, Gregory  
Jordan, Mary H.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Turgeon, Roland M.  
Wright, George W.

Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Domaingue, Jacquelyn M.  
Dwyer, Patricia R.  
Gagnon, Gabrielle V.  
Hall, Betty B.  
Hickey, Janet E.  
Jean, Romeo W.  
Keane, Cornelius J.  
Larochelle, Roger B.  
Leclerc, Charles J.  
McDowell, James E.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Rothhaus, Finlay C.  
Wheeler, David K.

**MERRIMACK**

|                      |                       |                     |
|----------------------|-----------------------|---------------------|
| Anderson, Eleanor M. | Barberia, Richard A.  | Braiterman, Thea    |
| Christie, Thomas J.  | Daneault, Gabriel J.  | Gilbreth, Robert M. |
| Johnson, Joyce M.    | Letourneau, George E. | Molner, Mary E.     |
| Smith, Gerald R.     | Soldati, Jennifer G.  | Trombly, Rick A.    |
| Yeaton, Charles B.   |                       |                     |

**ROCKINGHAM**

|                       |                       |                       |
|-----------------------|-----------------------|-----------------------|
| Brown, Jeffrey M.     | Campbell, Marilyn R.  | Caswell, Albert, Jr.  |
| Christie, Andrew, Jr. | Clark, Martha Fuller  | DiPietro, Carmela M.  |
| Dowling, Patricia A.  | Dube, LeRoy S.        | Falwell, Robert V.    |
| Flanders, David A.    | Ford, Bert H.         | Griebsch, Linda       |
| Hoar, John, Jr.       | Hynes, Carolyn E.     | Kane, Cecelia D.      |
| McGovern, Cynthia A.  | Melnick, Roy E.       | Palazzo, Frank J.     |
| Pantelakos, Laura C.  | Schanda, Joseph, Sr.  | Splaine, John E., Sr. |
| Syracusa, Anthony     | Terninko, Margaret B. | Vaughn, Charles L.    |
| Warburton, Calvin     | Woods, Deborah L.     |                       |

**STRAFFORD**

|                         |                     |                       |
|-------------------------|---------------------|-----------------------|
| Frechette, Roland A.    | Gilmore, Gary R.    | Hambrick, Patricia A. |
| Jankowski, Peter M.     | Keans, Sandra B.    | Kincaid, William K.   |
| McCann, William H., Jr. | Merrill, Amanda A.  | O'Brien, John         |
| Pageotte, Donald P.     | Pelley, Janet R.    | Sullivan, Henry P.    |
| Torr, Ralph W.          | Vincent, Francis C. | Wall, Janet G.        |
| Wheeler, Katherine W.   |                     |                       |

**SULLIVAN**

|                   |                    |                      |
|-------------------|--------------------|----------------------|
| Allison, David C. | Burling, Peter Hoe | Stamatakis, Carol M. |
| Tetu, Michael A.  | Walsh, Robert R.   |                      |

and HB 50 was ordered to third reading.

**SPECIAL ORDER**

Reps. Gross and Chambers moved that the bills on the day's Regular Calendar, as listed below, be made a special order for Tuesday, March 5, 1991.

**CACR 2**, relating to biennial legislative session. Providing that the general court shall meet biennially.

**CACR 4**, relating to voter initiative and referendum. Providing that statutes and constitutional amendments may be proposed, approved or rejected by citizen petition to the secretary of state.

**HB 105**, making English the official language of the state of New Hampshire.

**HB 216-FN**, prohibiting the use of non-biodegradable packaging for bait containers.

**HB 191-FN**, relative to licensing gas fitters.

**HB 249-FN**, requiring the state of New Hampshire to make timely payments on its contracts.

**HB 260-FN**, relative to the property tax exemption for the blind on their residential real estate.

**HB 271-FN**, to study the purchasing policies of the technical institute and the technical colleges.

**HB 354-FN-A**, relative to expanding the state employee assistance program and making an appropriation therefor.



**HB 157-FN**, relative to designating trauma care centers.

**HB 162-FN**, extending the committee studying a statewide trauma care system.

**HB 203-FN**, relative to the confidentiality of quality assurance records of community mental health centers.

**HB 209-FN**, relative to conflicts between the municipal budget law and collective bargaining negotiations.

**HB 365-FN**, relative to veterans' benefits for certain veterans of World War II.

Adopted.

### REGULAR CALENDAR

**HB 428-FN**, relative to the enforcement and administration of state taxes by the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT.**

This bill is the result of more than two years work by the Department of Revenue Administration and a year of work and hearings by the Committee. It pulls together and standardizes the language of the various taxing statutes with respect to appeals and administrative procedure for the resolution of tax problems and controversies. Additionally, it clarifies and strengthens penalty provisions to provide the tools to deal with the small portion of taxpayers who are not obeying the law. This bill only alters or changes as much of the substance of the current statute necessary to achieve these goals. It is estimated that increased compliance will augment the general fund by more than two million dollars annually. Additionally, this bill contains a taxpayer Bill of Rights Vote 16-0. Rep. Robert C. Hayes for Ways and Means.

### Amendment

Amend RSA 21-J:28-a, IV as inserted by section 5 of the bill by replacing it with the following:

IV. In the case of any refund or credit of overpayment of taxes administered by the department, the department shall apply the refund or credit as an offset to any liability with respect to any tax administered by the department. The department shall notify the taxpayer in the event of any such offset in tax.

Amend RSA 21-J:28-b, VI as inserted by section 5 of the bill by replacing it with the following:

VI. The board or court may grant such relief as may be just and equitable and may order the state treasurer to pay the taxpayer the amount of relief granted with interest at the rate established under RSA 21-J:28. Upon all appeals which are denied, costs and attorney's fees may be taxed against the taxpayer at the discretion of the board or court; but the board or court may not tax costs against the state.

Amend RSA 21-J:29, II(b) as inserted by section 6 of the bill by replacing it with the following:

(b) In the case of a willful attempt in any manner to evade any tax administered by the department, the tax may be assessed at any time.

Amend RSA 21-J:39, II(a) as inserted by section 11 of the bill by replacing it with the following:

(a) Willfully attempt in any manner to evade any tax or the payment thereof;

Amend RSA 21-J:39, II(g) as inserted by section 11 of the bill by replacing it with the following:

(g) Willfully remove, deposit, or conceal, or be concerned with removing, depositing, or concealing any goods, chattels, or commodities for or in respect to any

tax which is or is to be imposed, or any property upon which levy or distraint is authorized by RSA 80 or RSA 21-J with intent to evade the assessment or collection of any tax;

Amend introductory paragraph 21-J:39, II(i) as inserted by section 11 of the bill by replacing it with the following:

(i) With intent to defraud or willfully attempt to evade the tax:

Amend the bill by replacing section 21 with the following:

21 Taxpayer Records; Failure to Make Available for Inspection. Amend RSA 77-A:11, III to read as follows:

III. Make such records available for inspection by the commissioner or his authorized agents, upon demand, at reasonable times during regular business hours. Whoever violates the provisions of this section shall be [guilty of a misdemeanor if a natural person, or guilty of a felony if any other person] *subject to the penalties imposed under RSA 21-J:39.*

Amend the bill by replacing section 42 with the following:

42 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill amends existing state tax laws which are enforced by the department of revenue administration by amending existing and adding new civil and criminal penalties. The bill:

(1) Adds new provisions to protect the rights, privacy, and property of taxpayers during the administrative process of assessing and collecting taxes.

(2) Adds new duties for the commissioner of revenue administration.

(3) Clarifies the time for making returns and declarations.

(4) Adds new provisions for refunds and credits, and revises provisions for late payment charges.

(5) Adds new provisions for an appeal procedure to redetermine or reconsider taxes assessed.

(6) Adds new provisions concerning liens and a 3-year statute of limitations.

(7) Adds new criminal penalties by: (a) employing the term "willfully"; (b) penalizing tax evaders; (c) penalizing persons who make false declarations in returns or reports; (d) penalizing tax preparers who fail to turn moneys over to the state; (e) penalizing persons who knowingly operate without obtaining necessary licenses; and (f) amending certain fine and penalty provisions.

Adopted.

Report adopted.

Ordered to third reading.

#### (Deputy Speaker Michael Hill in the Chair)

**HB 593-FN-A**, relative to the rate of the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 593 represents the principal component of a revised revenue package in support of the supplemental budget, HB 50 as amended. The Committee continues to believe that business taxes - which were not directly increased last year - are the least objectionable means to increase revenues in the few remaining months of FY 91.

The amendment extends the one percent Business Profits Tax surcharge from 12 to 24 months and incorporates the Business Tax originally developed in HB 592 at the decreased rate of \$100 per year. The Committee pledges to develop a proposal for the

1991 session which will reform business taxes, making them more wisely and fairly applied.

During FY 91, the bill as amended, is estimated to raise \$5.1 million from the BPT surcharge and \$5.3 million from the Business Tax. The FN calls for state expenditures of \$50,000 in FY 91. Vote 13-6. Rep. Robert C. Hayes for Ways and Means.

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the rate of the business profits tax and  
imposing a single assessment business tax  
and making an appropriation therefor.

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. Continue for one year from the effective date of this act.

Amend the bill by replacing all after section 3 with the following:

4 Legislative Intent. By the enactment of sections 4-11 of this act, the general court intends to exercise its authority under Part II, Article 6 of the New Hampshire constitution, to raise a portion of the public charges of government by taxation upon polls, that is, to levy a poll tax of a fixed amount on every person of the class specified in section 5 of this act. The general court further intends to exercise its discretion as to the persons who should be taxed for their polls, and to levy such a tax proportionally and reasonably on all such persons within the designated class, defined in section 5 of this act as business organizations. The general court determines that business organizations have distinctive characteristics and carry on activities which draw distinctive benefits from and impose distinctive burdens upon the operations of government. The general court does not intend by this enactment to levy a tax on property, nor to exact a fee for a special privilege or for special regulatory activity.

5 Business Tax Imposed upon Business Organizations. A tax of \$100 shall be assessed upon every business organization, as defined in RSA 77-A:1, I, with gross business income in excess of \$12,000.

6 Payment. The tax imposed by section 5 of this act shall be assessed on a one-time basis only, and is due and payable on June 1, 1991.

7 Informational Filing. Each business organization subject to section 5 of this act shall provide to the commissioner of revenue administration, at a minimum, the following:

I. The name and tax identification number (T.I.N.) of the business organization.

II. Any other names or trade names the business organization may use in conducting business within this state or which it uses in filing tax returns relative to conducting business in this state.

III. The address of the principal office of the business organization within this state.

IV. A brief statement of the purpose for which the business organization is organized, including the Standard Industrial Classification System (SIC code).

8 Interest; Penalties. Any business organization which fails to make the payment with a return as required by sections 5-7 of this act when due shall pay interest and penalties as prescribed in RSA 21-J.

9 Administration.

I. The commissioner of revenue administration shall collect the taxes, interest, additions to tax and penalties imposed under sections 4-11 of this act.

II. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax or the penalties imposed by sections 4-11 of this act.

III. In the collection of the tax imposed by section 5 of this act, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by section 5 of this act shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to him. The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under section 5 of this act, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw his warrant for the purchase price out of any money in the treasury not otherwise appropriated.

10 Business Organizations Discontinuing Business. No business organization may be dissolved or discontinue doing business in the state until all taxes and interest imposed upon the business organization under sections 4-11 of this act.

11 Lien for Tax. No lien upon real estate for taxes imposed by section 5 of this act is valid and binding against any person other than the taxpayer until notice of such lien stating the name and address of the taxpayer and the amount of the tax due shall have been filed and recorded in the registry of deeds in the grantor index in the county in which such real estate is located. Notwithstanding the provisions of any other law, the lien shall continue and shall be valid and binding until the liability for the sum, with interest and costs, is satisfied or becomes unenforceable.

12 Supplemental Appropriation; Department of Revenue Administration. In addition to any other sums appropriated to the department of revenue administration, the sum of \$50,000 is hereby appropriated for the biennium ending June 30, 1991, for the purposes of administering sections 4-11 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill provides that the business profits tax shall be imposed at the rate of 9 percent for a period of one year beginning on the effective date of the bill.

This bill also levies a poll tax of \$100 on every business organization with gross business income in excess of \$12,000. The tax is imposed on a one-time basis only on June 1, 1991.

The bill makes a supplemental appropriation of \$50,000 to the department of revenue administration for the biennium ending June 30, 1991, for the purpose of administering the new business tax.

Rep. Hayes spoke in favor of the amendment and yielded to questions.

Rep. Pantelakos spoke against.

Rep. Jasper spoke in favor.

Rep. Domaingue spoke against and yielded to questions.

Rep. Lozeau spoke against.

Rep. Kurk spoke in favor.

Reps. Coffey and Barnes spoke against.



**(Speaker Burns in the Chair)**

Rep. Donna Sytek spoke in favor.

Roll call request sufficiently seconded.

The question being on the adoption of the amendment.

**YEAS 170****NAYS 177****YEAS 170  
BELKNAP**

Accornero, Harry  
Hawkins, Robert S.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Cain, Thomas G.  
Holbrook, Robert G.  
Turner, Robert H.  
Ziegra, Alice S.

Campbell, Richard H., Jr.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Dickinson, Howard C.  
Saunders, Howard N.

Beach, Mildred A.  
Dodge, A. Gibb, Jr.

Chandler, Gene G.  
Foster, Robert W.

**CHESHIRE**

Cole, Stacey W.  
Grodin, Richard A.  
LaMar, David M.  
Pearson, Gertrude B.

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Perry, David M.

Feuer, Joseph N.  
Hunt, John B.  
Morse, Jo Ann T.

**COOS**

Brungot, Catherine V.  
Marsh, Beaton

Guay, Lawrence J.  
Merrill, Gerald P.

Horton, Lynn C.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Christy, C. Dana  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Whitcomb, Henry F., Jr.

Bean, Pamela B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Wadsworth, Karen O.

Brown, Channing T.  
Hill, Richard L.  
Lougee, Richard W.  
Shackett, Ralph E.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Ford, Nancy M.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Kelley, Robert N.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Messier, Irene M.  
Packard, Bonnie B.  
Record, Alice B.  
Steiner, Lee Anne  
Tate, Joan C.

Alukonis, David J.  
Arnold, Barbara E.  
Cowenhoven, Garret P.  
Dyer, Merton S.  
Ferguson, Charles  
Gagnon, Eugene L.  
Haettenschwiller, Alphonse  
Jasper, Shawn N.  
Kurk, Neal M.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Perham, Lester R.  
Rodgers, G. Philip  
Stiles, Walter A.  
Vanderlosk, Stanley R.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Desrosiers, William J.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Greenglass, Alan B.  
Healy, Daniel J.  
Kelley, Dana F.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Murphy, Robert E.  
Peters, Stanley W.  
Sallada, Roland A.  
Tarpley, Nancy L.  
Wheeler, Robert L.

**MERRIMACK**

|                      |                     |                     |
|----------------------|---------------------|---------------------|
| Anderson, Eleanor M. | Apple, Lowell D.    | Boucher, Laurent J. |
| Chandler, Earle W.   | Chandler, John P.   | Fair, Patricia A.   |
| Fillion, Paul R.     | Gilbreth, Robert M. | Gross, Caroline L.  |
| Hager, Elizabeth S.  | Hall, Douglas E.    | Hayes, Robert C.    |
| Hill, Michael J.     | Holmes, Mary C.     | Johnson, C. William |
| Kidder, William F.   | Lewis, Mary Ann     | Lockwood, Robert A. |
| Nichols, Avis B.     | Stio, Peter M.      | Teague, Bert        |
| Weeks, John F., Jr.  |                     |                     |

**ROCKINGHAM**

|                         |                        |                       |
|-------------------------|------------------------|-----------------------|
| Benton, Richardson D.   | Boucher, William P.    | Connell, David R.     |
| Conroy, Janet M.        | Cooke, Annette M.      | Cote, Patricia L.     |
| Dowd, Sandra K.         | Felch, Charles H., Sr. | Flanagan, Natalie S.  |
| Flanders, Harry E.      | Flanders, John W., Sr. | Haynes, Richard       |
| Hoelzel, Kathleen M.    | Hurst, Sharleene P.    | Keith, Brenda E.      |
| Klemarczyk, Thaddeus E. | Klemm, Arthur P., Jr.  | McCain, William F.    |
| McCarthy, John J., Jr.  | McKinney, Betsy        | Raynowska, Bernard J. |
| Roulston, Donald L.     | Senter, Marilyn P.     | Simon, Peter M.       |
| Skinner, Patricia M.    | Smith, Arthur W.       | Sytek, Donna P.       |
| Sytek, John J.          | Thayer, Leroy C.       | Tufts, Arthur         |

**STRAFFORD**

|                     |                    |                   |
|---------------------|--------------------|-------------------|
| Appleby, James E.   | Bickford, Drucilla | Brown, Julie M.   |
| Corte, Arthur B.    | Douglass, Clyde J. | Flynn, Edward J.  |
| Foss, Patricia H.   | Kinney, Paula J.   | Martling, W. Kent |
| Nehring, William H. | Parks, Joe B.      | Torr, Ann M.      |
| Tsiros, William     | Young, John B.     |                   |

**SULLIVAN**

|                       |                     |                    |
|-----------------------|---------------------|--------------------|
| Behrens, Thomas A.    | Krueger, Richard H. | Middleton, John A. |
| Rodeschin, Beverly T. | Schotanus, Merle W. |                    |

**NAYS 177****BELKNAP**

|                      |                     |                       |
|----------------------|---------------------|-----------------------|
| Bartlett, Gordon E.  | Golden, Paul A.     | Johnson, Carl R.      |
| Joscelyn, William W. | Maviglio, Steven R. | Salatiello, Thomas B. |

**CARROLL**

|                  |                      |                 |
|------------------|----------------------|-----------------|
| Bradley, Jeb E.  | Daly, Robert J., Jr. | Jean, Robert R. |
| Wiggin, Allen R. | Wiggin, Gordon E.    |                 |

**CHESHIRE**

|                    |                       |                      |
|--------------------|-----------------------|----------------------|
| Burnham, Daniel M. | Champagne, Richard L. | Clark, Eugene W.     |
| Cole, Kenneth A.   | DePecol, Benjamin J.  | Foster, Katherine D. |
| Kennison, Wayne A. | Kingsbury, H. Thayer  | Lynch, Margaret A.   |
| Riley, William A.  | Spear, Susan S.       |                      |

**COOS**

|                    |                     |                     |
|--------------------|---------------------|---------------------|
| Coulombe, Henry W. | Hawkinson, Marie C. | Kilbride, Dennis J. |
| Mayhew, Josephine  | Nelson, Harold D.   | Oliver, Terry D.    |

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Markley, J. Keith  
Stewart, Roger D.

Brown, Patricia B.  
Dow, David  
McIlwaine, Deborah P.  
White, Paul R.

Chambers, Mary P.  
Guest, Robert H.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Baker, George H., Sr.  
Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Hall, Betty B.  
Hickey, Janet E.  
Jean, Romeo W.  
Keane, Cornelius J.  
Lachut, Ervin R.  
Lawrence, Norman B.  
Lozeau, Donnalee M.  
Nardi, Theodora P.  
Pepino, Leo P.  
Rheault, Lillian I.  
Soucy, Donna M.  
Wheeler, David K.

Baldizar, Barbara J.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Goulet, Maurice E.  
Hanselman, Gregory L.  
Hultgren, David D.  
Johnson, Lionel W.  
King, Frank P.  
Laroche, Roger B.  
Leclerc, Charles J.  
Martin, Mary Ellen  
O'Rourke, Joanne A.  
Pignatelli, Debora B.  
Riley, Frances L.  
Turgeon, Roland M.  
White, John M.

Baroody, Benjamin C.  
Chasse, Richard D.  
Cote, David E.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Dwyer, Patricia R.  
Gagnon, Gabrielle V.  
Green, Scott E.  
Healy, Walter F.  
Janas, Gregory  
Jordan, Mary H.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
McDowell, James E.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Upton, Barbara A.  
Wright, George W.

**MERRIMACK**

Barberia, Richard A.  
Daneault, Gabriel J.  
Letourneau, George E.  
Soldati, Jennifer G.  
Yeaton, Charles B.

Braiterman, Thea  
Dunn, Miriam D.  
Molner, Mary E.  
Trombly, Rick A.

Christie, Thomas J.  
Johnson, Joyce M.  
Smith, Gerald R.  
Wallner, Mary Jane

**ROCKINGHAM**

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Christie, Andrew, Jr.  
Coffey, John J.  
Drake, Herbert R.  
Flanders, David A.  
Griebisch, Linda  
Kane, Cecelia D.  
MacDonald, Joseph A.  
Malcolm, Kenneth W.  
Packard, Sherman A.  
Rubin, George R.  
Syracusa, Anthony  
Warburton, Calvin

Brown, Jeffrey M.  
Caswell, Albert, Jr.  
Chulack, Peter G., Sr.  
DiPietro, Carmela M.  
Dube, LeRoy S.  
Ford, Bert H.  
Hoar, John, Jr.  
Katsakiores, George N.  
MacKinnon, Nancy W.  
McGovern, Cynthia A.  
Palazzo, Frank J.  
Schanda, Joseph, Sr.  
Terninko, Margaret B.  
Welch, David A.

Buco, Stephen W.  
Chase, Lawrence A., Jr.  
Clark, Martha Fuller  
Dowling, Patricia A.  
Falwell, Robert V.  
Gage, Beverly A.  
Hynes, Carolyn E.  
Lovejoy, Virginia K.  
Magoon, Harold F.  
Melnick, Roy E.  
Pantelakos, Laura C.  
Splaine, John E., Sr.  
Vaughn, Charles L.  
Woods, Deborah L.

**STRAFFORD**

Frechette, Roland A.  
 Keans, Sandra B.  
 McCann, William H., Jr.  
 Pageotte, Donald P.  
 Torr, Ralph W.  
 Wheeler, Katherine W.

Gilmore, Gary R.  
 Kincaid, William K.  
 Merrill, Amanda A.  
 Pelley, Janet R.  
 Vincent, Francis C.

Hambrick, Patricia A.  
 Marston, Robert E.  
 O'Brien, John  
 Sullivan, Henry P.  
 Wall, Janet G.

**SULLIVAN**

Allison, David C.  
 Peyron, Fredrik  
 Walsh, Robert R.  
 and the amendment lost.

Burling, Peter Hoc  
 Stamatakis, Carol M.

Lindblade, Eric N.  
 Tetu, Michael A.

Rep. Donna Sytek spoke in favor of HB 593.

Roll call request sufficiently seconded.

The question being on ordering HB 593 to third reading.

**YEAS 181****NAYS 166****YEAS 181  
BELKNAP**

Accornero, Harry  
 Campbell, Richard H., Jr.  
 Maviglio, Steven R.  
 Shibley, Arnold P.  
 Ziegler, Alice S.

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Rice, Thomas E. P., Jr.  
 Turner, Robert H.

Cain, Thomas G.  
 Holbrook, Robert G.  
 Salatiello, Thomas B.  
 Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
 Chandler, Gene G.  
 Foster, Robert W.

Beach, Mildred A.  
 Dickinson, Howard C.  
 Saunders, Howard N.

Bradley, Jeb E.  
 Dodge, A. Gibb, Jr.

**CHESHIRE**

Cole, Stacey W.  
 Grodin, Richard A.  
 LaMar, David M.  
 Pearson, Gertrude B.

Crutchley, Donald O.  
 Hogan, James B.  
 Laurent, John J.

Feuer, Joseph N.  
 Hunt, John B.  
 Morse, Jo Ann T.

**COOS**

Brungot, Catherine V.  
 Marsh, Beaton

Guay, Lawrence J.  
 Merrill, Gerald P.

Horton, Lynn C.  
 Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
 Christy, C. Dana  
 LaMott, Paul I.  
 Nielsen, Niels F., Jr.  
 Teschner, Douglass P.  
 Whitcomb, Henry F., Jr.

Bean, Pamela B.  
 Driscoll, William J.  
 Larson, Nils H., Jr.  
 Scanlan, David M.  
 Wadsworth, Karen O.

Brown, Channing T.  
 Hill, Richard L.  
 Lougee, Richard W.  
 Shackett, Ralph E.  
 Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Arnold, Barbara E.  
 Cowenhoven, Garret P.

Amidon, Eleanor H.  
 Bowers, Dorothy C.  
 Desrosiers, William J.

Andrews, Frederick B.  
 Calawa, Leon, Jr.  
 Donovan, Francis X.



Drolet, Paul L.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Gureckis, Adam C., Sr.  
 Holden, Carol H.  
 Kelley, Robert N.  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Packard, Bonnie B.  
 Peters, Stanley W.  
 Sallada, Roland A.  
 Tarpley, Nancy L.  
 Wheeler, Robert L.

Dyer, Merton S.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Haettenschwiller, Alphonse  
 Hultgren, David D.  
 Kurk, Neal M.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Moore, Elizabeth A.  
 Paquette, Rodolphe G.  
 Record, Alice B.  
 Steiner, Lee Anne  
 Tate, Joan C.

Emerton, Lawrence A.  
 Fields, Dennis H.  
 Greenglass, Alan B.  
 Healy, Daniel J.  
 Jasper, Shawn N.  
 Lawrence, Eva M.  
 Mason, Howard F.  
 McRae, Karen K.  
 Murphy, Robert E.  
 Perham, Lester R.  
 Rodgers, G. Philip  
 Stiles, Walter A.  
 Vanderlosk, Stanley R.

### MERRIMACK

Anderson, Eleanor M.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Lewis, Mary Ann  
 Stio, Peter M.

Apple, Lowell D.  
 Chandler, John P.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lockwood, Robert A.  
 Teague, Bert

Boucher, Laurent J.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Kidder, William F.  
 Nichols, Avis B.  
 Weeks, John F., Jr.

### ROCKINGHAM

Benton, Richardson D.  
 Chulack, Peter G., Sr.  
 Cooke, Annette M.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Keith, Brenda E.  
 McCarthy, John J., Jr.  
 Roulston, Donald L.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Tufts, Arthur

Boucher, William P.  
 Connell, David R.  
 Cote, Patricia L.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Hurst, Sharleene P.  
 Klemm, Arthur P., Jr.  
 McKinney, Betsy  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Sytek, John J.  
 Welch, David A.

Buco, Stephen W.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanders, Harry E.  
 Haynes, Richard  
 Johnson, Robert A.  
 McCain, William F.  
 Raynowska, Bernard J.  
 Simon, Peter M.  
 Splaine, John E., Sr.  
 Thayer, Leroy C.

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Martling, W. Kent  
 Torr, Ann M.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Keans, Sandra B.  
 Nehring, William H.  
 Tsiros, William

Brown, Julie M.  
 Flynn, Edward J.  
 Kinney, Paula J.  
 Parks, Joe B.  
 Young, John B.

### SULLIVAN

Behrens, Thomas A.  
 Middleton, John A.  
 Schotanus, Merle W.

Krueger, Richard H.  
 Peyron, Fredrik  
 Stamatakis, Carol M.

Lindblade, Eric N.  
 Rodeschin, Beverly T.

### NAYS 166 BELKNAP

Golden, Paul A.  
Zaharchuk, Peter J., Jr.

Johnson, Carl R.

Joscelyn, William W.

### CARROLL

Daly, Robert J., Jr.  
Wiggin, Gordon E.

Jean, Robert K.

Wiggin, Allen R.

### CHESHIRE

Burnham, Daniel M.  
Cole, Kenneth A.  
Kennison, Wayne A.  
Perry, David M.

Champagne, Richard L.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Riley, William A.

Clark, Eugene W.  
Foster, Katherine D.  
Lynch, Margaret A.  
Spear, Susan S.

### COOS

Coulombe, Henry W.  
Mayhew, Josephine

Hawkinson, Marie C.  
Nelson, Harold D.

Kilbride, Dennis J.  
Oliver, Terry D.

### GRAFTON

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Markley, J. Keith  
Stewart, Roger D.

Brown, Patricia B.  
Dow, David  
McIlwaine, Deborah P.  
White, Paul R.

Chambers, Mary P.  
Guest, Robert H.  
Nordgren, Sharon L.

### HILLSBOROUGH

Alukonis, David J.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Cote, David E.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Gosselin, Gerald O.  
Hall, Betty B.  
Hickey, Janet E.  
Johnson, Lionel W.  
Kelley, Dana F.  
Lachut, Ervin R.  
Lawrence, Norman B.  
McDowell, James E.  
O'Rourke, Joanne A.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Upton, Barbara A.  
Wright, George W.

Baker, George H., Sr.  
Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Goulet, Maurice E.  
Hanselman, Gregory L.  
Janas, Gregory  
Jordan, Mary H.  
King, Frank P.  
Laroche, Roger B.  
Leclerc, Charles J.  
Messier, Irene M.  
Pepino, Leo P.  
Rheault, Lillian I.  
Soucy, Donna M.  
Wheeler, David K.

Baldizar, Barbara J.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Dodge, Emma M.  
Dwyer, Patricia R.  
Gagnon, Gabrielle V.  
Green, Scott E.  
Healy, Walter F.  
Jean, Romeo W.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Martin, Mary Ellen  
Nardi, Theodora P.  
Pignatelli, Debora B.  
Riley, Frances L.  
Turgeon, Roland M.  
White, John M.

### MERRIMACK

Barberia, Richard A.  
Daneault, Gabriel J.  
Johnson, Joyce M.  
Smith, Gerald R.  
Wallner, Mary Jane

Braiterman, Thea  
Dunn, Miriam D.  
Letourneau, George E.  
Soldati, Jennifer G.  
Yeaton, Charles B.

Christie, Thomas J.  
Johnson, C. William  
Molner, Mary E.  
Trombly, Rick A.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Caswell, Albert, Jr.  
 Clark, Martha Fuller  
 Dowling, Patricia A.  
 Falwell, Robert V.  
 Griebisch, Linda  
 Kane, Cecelia D.  
 Lovejoy, Virginia K.  
 Magoon, Harold F.  
 Melnick, Roy E.  
 Pantelakos, Laura C.  
 Syracuse, Anthony  
 Warburton, Calvin

Brown, Jeffrey M.  
 Chase, Lawrence A., Jr.  
 Coffey, John J.  
 Drake, Herbert R.  
 Flanders, David A.  
 Hoar, John, Jr.  
 Katsakiores, George N.  
 MacDonald, Joseph A.  
 Malcolm, Kenneth W.  
 Packard, Sherman A.  
 Rubin, George R.  
 Terninko, Margaret B.  
 Woods, Deborah L.

Campbell, Marilyn R.  
 Christie, Andrew, Jr.  
 DiPietro, Carmela M.  
 Dube, LeRoy S.  
 Ford, Bert H.  
 Hynes, Carolyn E.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McGovern, Cynthia A.  
 Palazzo, Frank J.  
 Schanda, Joseph, Sr.  
 Vaughn, Charles L.

**STRAFFORD**

Frechette, Roland A.  
 Kincaid, William K.  
 Merrill, Amanda A.  
 Pelley, Janet R.  
 Vincent, Francis C.

Gilmore, Gary R.  
 Marston, Robert E.  
 O'Brien, John  
 Sullivan, Henry P.  
 Wall, Janet G.

Hambrick, Patricia A.  
 McCann, William H., Jr.  
 Pageotte, Donald P.  
 Torr, Ralph W.  
 Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
 Walsh, Robert R.

Burling, Peter Hoe

Tetu, Michael A.

and the bill was ordered to third reading.

Rep. Lozeau abstained from voting under Rule 16.

Rep. Asplund notified the Clerk that she wished to be recorded in favor of the bill.

Rep. Jacobson notified the Clerk that he wished to be recorded in opposition to the bill.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 5, 1991 at 1:00 p.m.

Adopted.

**SENATE MESSAGE****REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 51**, relative to the normal contribution rate for retirement system members and establishing a committee to study retirement system benefits and making an appropriation therefor.

Rep. Ward moved that the House concur and yielded to questions.

On a division vote, 253 members having voted in the affirmative and 92 in the negative, the House concurred.

**RECOMMITMENT**

Rep. Martling moved that HB 182, authorizing the interception of wire or oral communications regarding securities crimes, be recommitted to the Committee on Judiciary and spoke to his motion.

Adopted.

**REVENUE ESTIMATES**

Rep. Donna Sytek addressed the House on monthly revenue estimates.

**LATE SESSION****Third reading and final passage**

**HB 185**, relative to certain security transactions exempted from registration.

**HB 186**, relative to isolated sales of securities.

**HB 187**, including agents of investment advisors in the definition of "agent" under the securities laws.

**HB 188**, clarifying definitions of "investment metal contract" and "investment gem contract" for purposes of securities regulation.

**HB 333**, relative to notification of insurance cancellation.

**HB 166**, relative to voting in cooperative school districts.

**HB 202-FN**, to extend the time period within which a corporation may reinstate its charter, relative to revival of charters of voluntary corporations, and reviving the charter of the Bristol Federated Church.

**HB 361**, repealing certain obsolete education laws.

**HB 290-FN**, relative to the sale of hunting licenses.

**HB 325-FN**, relative to reciprocity of dog training.

**HB 179**, relative to authorization of treatment for communicable diseases.

**HB 213-FN**, relative to rates set for medicaid and the administrative procedure act.

**HB 221-FN**, relative to respite care for Alzheimer's disease.

**HB 255-FN**, establishing the New Hampshire foundation for mental health and the mental health foundation fund.

**HB 130-FN**, relative to mass transportation in certain cities.

**HB 168**, relative to highway classifications.

**HB 243**, relative to the number of signatures required to place a petitioned article on the warrant.

**HB 352-FN**, relative to the oil discharge and disposal cleanup fund.

**HB 493-FN**, relative to the design review fees for sewerage and wastewater projects.

**HB 100**, clarifying when a school bus driver must pull over to let other drivers pass.

**HB 50-FN-A**, relative to state revenue and expenditures.

**HB 428-FN**, relative to the enforcement and administration of state taxes by the department of revenue administration.

**HB 593-FN-A**, relative to the rate of the business profits tax.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:55 p.m.

**RECESS**



**(Rep. Ann Torr in the Chair)**  
**SENATE MESSAGES**  
**REQUESTS CONCURRENCE**

**SB 119-FN**, relative to the business profits tax, the real estate transfer tax, and the communications services tax.

**SB 29-FN-A**, establishing a legislative ethics committee.

Rep. Grodin offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 119 and 29 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS**

**First, second reading and referral**

**SB 119-FN**, relative to the business profits tax, the real estate transfer tax, and the communications services tax. (Ways and Means)

**SB 29-FN-A**, establishing a legislative ethics committee. (Legislative Administration)

**RECESS**

**(Rep. Record in the Chair)**  
**SENATE MESSAGES**  
**REQUESTS CONCURRENCE**

**SB 15**, relative to special identification of legislation that amends existing revenue statutes which send all or part of certain revenues to subdivisions of the state.

Rep. Michael Hill offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 15 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILLS**

**First, second reading and referral**

**SB 15**, relative to special identification of legislation that amends existing revenue statutes which send all or part of certain revenues to subdivisions of the state. (Legislative Administration)

**RECESS**

**(Rep. Gross in the Chair)**

Their introduction having been approved by the Rules Committee; Rep. Dickinson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 35 and 783, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS**

**First, second reading and referral**

**HB 35-A**, making appropriations for capital improvements. (G. Chandler of Carroll Dist. 1 - To Public Works)

**HB 783**, relative to prior DWI convictions. (L'Heureux of Hillsborough Dist. 13; Drabinowicz of Hillsborough Dist. 32; L. Apple of Merrimack Dist. 9; Rothhaus of Hillsborough Dist. 13; Calawa of Hillsborough Dist. 14; Roberge of Dist. 9 - To Judiciary)

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 8**

Tuesday, March 5, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairsto.

Almighty God, God of power and of peace, by whose word the universe is molded and under whose providence human life is lived out, we praise You this day for peace in the Middle East. We pray for the families of loved ones lost through battle or accident, as we are especially mindful of the losses the people of our own state have suffered. And we ask that the members of all the military forces and all hostages be returned safely to their loved ones. Help us now, even in the midst of so much that is happening in Your world, to center our thoughts and hearts upon the work before us. At every juncture, help us to understand how what is said and what is done impacts upon not only the communities we represent, but upon all New Hampshire's citizens. Be with each member now that each will seek to do that which is right in Your sight. Amen.

Rep. Gabrielle Gagnon led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Bernard, Feuerstein, Harland, Domini, Eugene Gagnon, Parr, C. Fitzgerald Buckley, Flanagan, Leclerc, Eugene Clark, Swope, Irene Pratt, Whitcomb, Elizabeth Greene and Elliott, the day, illness.

Reps. Steiner, Scanlan, David Young (military service) and Dyer, the day, important business.

Rep. Chase, the day, death in the family.

Rep. Keith, Holmes and Metzger, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Manson Donaghey and Floyd Smith, guests of Rep. Fair. Val Poulson, guest of Rep. Whittemore.

**ENROLLED BILLS REPORT**

**HB 51**, relative to the normal contribution rate for retirement system members and establishing a committee to study retirement system benefits and making an appropriation therefor.

Rep. Miriam D. Dunn,  
Sen. David P. Currier  
for the Committee

**VACATE**

Rep. Martling moved that the House vacate the reference of **HB 607**, permitting actions for damages resulting from violations of unemployment and workers' compensation laws by bidders on construction contracts to the Committee on Judiciary.

Adopted and referred to Labor, Industrial and Rehabilitative Services.

### EXTENSIONS

The Committee on State Institutions requested a 14-calendar-day extension on HB 155, relative to notice to tenants of manufactured housing park foreclosure.

The Committee on State Institutions requested a 14-calendar-day extension on HB 695, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks.

Granted.

### SPECIAL ORDERS

**CACR 2**, relating to biennial legislative session. Providing that the general court shall meet biennially. RE-REFER TO COMMITTEE.

CACR 2, if adopted, would put the question of annual sessions back to the voters in 1992. The Committee would like the opportunity to further study this issue. Vote 9-1. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Rep. Jacobson spoke to the Committee report.

Rep. John Flanders spoke in favor.

Re-referred to Committee.

**CACR 4**, relating to voter initiative and referendum. Providing that statutes and constitutional amendments may be proposed, approved or rejected by citizen petition to the secretary of state. INEXPEDIENT TO LEGISLATE.

This CACR would provide that statutes and constitutional amendments may be proposed, approved or rejected by citizen petition to the Secretary of State. The Committee felt this CACR was not needed at this time. Vote 8-2. Rep. Norman B. Lawrence for Constitutional and Statutory Revision.

Adopted.

**HB 105**, making English the official language of the state of New Hampshire. INEXPEDIENT TO LEGISLATE.

RSA 189:19 currently states that for instruction of children in both the public and private schools "the English language shall be used exclusively." A Subcommittee of the House Education Committee was set up to hear additional testimony on this bill. The Subcommittee, after hearing an additional 2-1/2 hours of public testimony and considering a suggested amendment, agreed that there was no demonstrable need for this bill and that, in fact, it could have an adverse effect by "sending the wrong message" in an economic atmosphere that encourages international trade. Vote 15-3. Rep. Jacquelyn M. Domaingue for Education.

Rep. Weyler moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Carter and Domaingue spoke in favor of the Committee report and yielded to questions.

Rep. Scott Green spoke in favor.

Rep. Guay spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 88**

**NAYS 263**

**YEAS 88  
BELKNAP**

Golden, Paul A.  
Ziegra, Alice S.

Shibley, Arnold P.

Vogler, Charles C.



**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.

Beach, Mildred A.  
Saunders, Howard N.

Bradley, Jeb E.

**CHESHIRE**

Cole, Stacey W.  
Morse, Jo Ann T.  
Sawyer, Alfred P.

Feuer, Joseph N.  
Pearson, Gertrude B.

Laurent, John J.  
Perry, David M.

**COOS**

Brungot, Catherine V.

Pratt, Leighton C.

**GRAFTON**

Nielsen, Niels F., Jr.  
Trelfa, Richard T.

Shackett, Ralph E.  
White, Paul R.

Stewart, Roger D.

**HILLSBOROUGH**

Andrews, Frederick B.  
Fenton, James J.  
King, Frank P.  
Lachut, Ervin R.  
Lawrence, Norman B.  
Murphy, Robert E.  
Peters, Stanley W.  
Searles, Stanley N., Sr.  
Wheeler, David K.

Baker, George H., Sr.  
Gagnon, Gabrielle V.  
Kurk, Neal M.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
Pepino, Leo P.  
Riley, Frances L.  
Smith, Leonard A.  
Wright, George W.

Bowers, Dorothy C.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lawrence, Eva M.  
Mason, Howard F.  
Perham, Lester R.  
Rothhaus, Finlay C.  
Vanderlosk, Stanley R.

**MERRIMACK**

Barberia, Richard A.

Smith, Gerald R.

Stapleton, Henry F.

**ROCKINGHAM**

Barnes, John S., Jr.  
Cooke, Annette M.  
Dowling, Patricia A.  
Haynes, Richard  
Klemm, Arthur P., Jr.  
McKinney, Betsy  
Rubin, George R.  
Sytek, John J.  
Welch, David A.

Brown, Jeffrey M.  
Cote, Patricia L.  
Flanders, John W., Sr.  
Hurst, Sharleene P.  
MacKinnon, Nancy W.  
Palazzo, Frank J.  
Schanda, Joseph, Sr.  
Thayer, Leroy C.  
Weyler, Kenneth L.

Campbell, Marilyn R.  
Dowd, Sandra K.  
Ford, Bert H.  
Johnson, Robert A.  
Malcolm, Kenneth W.  
Raynowska, Bernard J.  
Sytek, Donna P.  
Warburton, Calvin

**STRAFFORD**

Bickford, Drucilla  
Douglass, Clyde J.  
Tsiros, William

Brown, Julie M.  
Foss, Patricia H.

Corte, Arthur B.  
Sullivan, Henry P.

**SULLIVAN**

Peyron, Fredrik

Tetu, Michael A.

Walsh, Robert R.

**NAYS 263  
BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.

Bartlett, Gordon E.  
Dewhirst, Glenn E.

Cain, Thomas G.  
Hawkins, Robert S.

Holbrook, Robert G.  
Maviglio, Steven R.  
Salatiello, Thomas B.

Johnson, Carl R.  
Ricé, Thomas E. P., Jr.  
Turner, Robert H.

Josecelyn, William W.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

### CARROLL

Daly, Robert J., Jr.  
Jean, Robert R.

Dodge, A. Gibb, Jr.  
Wiggin, Gordon E.

Foster, Robert W.

### CHESHIRE

Burnham, Daniel M.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Riley, William A.

Champagne, Richard L.  
Doucette, Richard F.  
Hogan, James B.  
LaMar, David M.  
Spear, Susan S.

Crutchley, Donald O.  
Foster, Katherine D.  
Kennison, Wayne A.  
Lynch, Margaret A.

### COOS

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Theriault, Romeo J.

Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

### GRAFTON

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Lougee, Richard W.  
Nordgren, Sharon L.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Markley, J. Keith  
Teschner, Douglass P.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Wadsworth, Karen O.

### HILLSBOROUGH

Ackerman, Philip M.  
Arnold, Barbara E.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cook, Valerie S.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Hall, Betty B.  
Healy, Walter F.  
Janas, Gregory  
Jordan, Mary H.  
Larochelle, Roger B.  
Martin, Mary Ellen  
McNerney, Daniel P.  
Messier, Irene M.  
O'Rourke, Joanne A.

Alukonis, David J.  
Baldizar, Barbara J.  
Buckley, Raymond  
Chasse, Richard D.  
Cote, David E.  
Daigle, Robert A.  
Desrosiers, William J.  
Donovan, Francis X.  
Durham, Susan B.  
Ferguson, Charles  
Ford, Nancy M.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Holden, Carol H.  
Jasper, Shawn N.  
Keane, Cornelius J.  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.  
Ouellette, Robert O.

Amidon, Eleanor H.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Clemons, Jane A.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Ferlan, Arthur P.  
Gage, Ruth E.  
Green, Scott E.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Hultgren, David D.  
Johnson, Lionel W.  
Kelley, Robert N.  
Lozeau, Donnalee M.  
McDowell, James E.  
Mercer, Robert S.  
Nardi, Theodora P.  
Packard, Bonnie B.

Paquette, Rodolphe G.  
Reidy, Frank J.  
Rodgers, G. Philip  
Tarpley, Nancy L.  
Upton, Barbara A.  
Wihby, Linda S.

Pignatelli, Debora B.  
Rheault, Lillian I.  
Soucy, Donna M.  
Tate, Joan C.  
Wheeler, Robert L.

Record, Alice B.  
Robinson, Ellen-Ann  
Stiles, Walter A.  
Turgeon, Roland M.  
White, John M.

### MERRIMACK

Anderson, Eleanor M.  
Boucher, Laurent J.  
Chandler, Earle W.  
Daneault, Gabriel J.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, C. William  
Letourneau, George E.  
Millard, Elizabeth S.  
Stio, Peter M.  
Wallner, Mary Jane  
Yeaton, Charles B.

Apple, Lowell D.  
Braiterman, Thea  
Chandler, John P.  
Dunn, Miriam D.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Jacobson, Alf E.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Molner, Mary E.  
Teague, Bert  
Weeks, John F., Jr.

Asplund, Bronwyn L.  
Carter, Susan D.  
Christie, Thomas J.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Jelley, Francis D.  
Kidder, William F.  
Lockwood, Robert A.  
Soldati, Jennifer G.  
Trombly, Rick A.  
Whittemore, James A.

### ROCKINGHAM

Bell, Juanita L.  
Bucu, Stephen W.  
Chulack, Peter G., Sr.  
Connell, David R.  
Drake, Herbert R.  
Flanders, David A.  
Griebsch, Linda  
Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
Magoon, Harold F.  
Melnick, Roy E.  
Rosencrantz, James R.  
Simon, Peter M.  
Splaine, John E., Sr.  
Tufts, Arthur

Benton, Richardson D.  
Caswell, Albert, Jr.  
Clark, Martha Fuller  
Conroy, Janet M.  
Dube, LeRoy S.  
Flanders, Harry E.  
Hoar, John, Jr.  
Kane, Cecelia D.  
Lovejoy, Virginia K.  
McCain, William F.  
Packard, Sherman A.  
Schmidtchen, Rowland H.  
Skinner, Patricia M.  
Syracusa, Anthony  
Vaughn, Charles L.

Boucher, William P.  
Christie, Andrew, Jr.  
Coffey, John J.  
DiPietro, Carmela M.  
Felch, Charles H., Sr.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
MacDonald, Joseph A.  
McCarthy, John J., Jr.  
Pantelakos, Laura C.  
Senter, Marilyn P.  
Smith, Arthur W.  
Terninko, Margaret B.  
Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
Gilmore, Gary R.  
Jankowski, Peter M.  
Kinney, Paula J.  
McCann, William H., Jr.  
Nehring, William H.  
Parks, Joe B.  
Torr, Ann M.  
Wheeler, Katherine W.

Flynn, Edward J.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Marston, Robert E.  
Messier, Donald R.  
O'Brien, John  
Pelley, Janet R.  
Vincent, Francis C.  
Young, John B.

Frechette, Roland A.  
Hashem, Elaine M.  
Kincaid, William K.  
Martling, W. Kent  
Musler, George T.  
Pageotte, Donald P.  
Spencer, Leo J.  
Wall, Janet G.

**SULLIVAN**

Allison, David C.

Flint, Gordon B.

Middleton, John A.

Stamatakis, Carol M.

and the motion lost.

Report adopted.

Behrens, Thomas A.

Krueger, Richard H.

Rodeschin, Beverly T.

Burling, Peter Hoe

Lindblade, Eric N.

Schotanus, Merle W.

**HB 271-FN**, to study the purchasing policies of the technical institute and the technical colleges. **OUGHT TO PASS WITH AMENDMENT.**

Serious delays in purchasing have occurred in our technical institutes and colleges. These institutions have been unable to maintain a sensible policy of competitive bidding because the purchasing has been tied to the bureaucratic state system. This bill to create a study committee is the first step in solving the present costly and inefficient system. No appropriation of funds is required. Only travel costs are involved for the two members of the Legislature. Vote 20-0. Rep. Robert H. Guest for Education. (Taken off consent 2/21/91, Rep. Skinner)

**Amendment**

Amend paragraph VI of section 1 of the bill by replacing it with the following:

VI. Two members of the public, appointed by the governor, one of whom shall be qualified in all phases of purchasing.

Adopted.

Rep. Guest offered a floor amendment.

**Floor Amendment**

Amend the bill by replacing section 3 with the following:

3 Report. The committee shall submit a report on its findings, including recommendations for legislation, to the chairpersons of both the house and senate education committees, the speaker of the house, the senate president, and the governor, on or before November 1, 1991.

Rep. Skinner spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**HB 216-FN**, prohibiting the use of non-biodegradable packaging for bait containers. **INEXPEDIENT TO LEGISLATE.**

The Committee felt there was no convincing testimony that this was a serious state-wide problem needing to be addressed. Furthermore, the cost of enforcement far exceeds our present fiscal situation. Presently, most plastic items are being addressed at the local level through recycling. Vote 15-0. Rep. Nancy L. Tarpley for Environment and Agriculture.

Adopted.

**HB 191-FN**, relative to licensing gas fitters. **INEXPEDIENT TO LEGISLATE.**

This bill would not add to any safety issue. It was not supported by the New Hampshire Licensed Plumbers Association or any gas utilities. In large cities this work can be checked by building inspectors. In small towns the work can be checked by the fire chief, his designee or the Office of the Fire Marshal. Vote 15-1. Rep. Gerald O. Gosselin for Executive Departments and Administration.



Adopted.

**HB 249-FN**, requiring the state of New Hampshire to make timely payments on its contracts. **INEXPEDIENT TO LEGISLATE**.

This bill is laudable in its intent; however, the Committee cannot justify the additional expenses to penalize the general fund for the delays in paying bills over which the Treasurer has no control. Vote 14-2. Rep. Kathleen W. Ward for Executive Departments and Administration.

Rep. Copenhaver spoke against the Committee report.

Adopted.

**HB 354-FN-A**, relative to expanding the state employee assistance program and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**.

The Committee felt that although there was merit to the program, funding is not available and this issue may better be dealt with in the negotiation process. The FN would call for state expenditures of \$25,388 in FY92 and \$26,446 in FY93. Vote 11-4. Rep. Robert L. Wheeler for Executive Departments and Administration.

Adopted.

**HB 157-FN**, relative to designating trauma care centers. **OUGHT TO PASS**.

Intense discussion in Committee determined that the current volunteer designation of "trauma centers" needs to be formalized. The designated committee will consist of qualified members of New Hampshire's medical community and draw upon the criteria established by the American College of Surgeons and the American College of Emergency Physicians. This bill is a logical succession to HB 162, which continues the study of a statewide trauma care system. Vote 9-3. Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs.

Adopted.

Referred to Appropriations.

Rep. Michael Hill abstained from voting under Rule 16.

**HB 162-FN**, extending the committee studying a statewide trauma care system. **OUGHT TO PASS**.

House Bill 162 would enable the committee established in 1990 to complete its charge. During its ten meetings, the Committee was able to develop legislative proposals for two of the eight areas which it was required to study. Coming before the House for action this year are bills dealing with the designation and accreditation of trauma centers and with the procedures for data collection and analysis of such data.

The passage of this bill would enable the Committee to study the following six areas: procedures to prevent trauma; the education and training of appropriate staff members; standards for establishing facilities, equipment and personnel; standards for triage and transportation of victims; procedures for quality assurance; procedures for improving public access to services and public communication. Vote 14-3. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

Rep. Robert Foster offered a floor amendment.

#### **Floor Amendment**

Amend 1990, 99:4, II as inserted by section 4 of the bill replacing it with the following:

II. The committee shall report its findings and recommendations to the speaker of the house, president of the senate and the governor no later than [December] **Novem-**

ber 1, [1990] 1992, with any proposed legislation for the [1991] 1993 legislative session.

#### AMENDED ANALYSIS

This bill extends the committee studying the development, implementation and maintenance of a statewide trauma care system.

The bill requires the committee to submit a report with its recommendations for proposed legislation to the speaker of the house, the senate president, and the governor no later than November 1, 1992.

Adopted.

Ordered to third reading.

**HB 203-FN**, relative to the confidentiality of quality assurance records of community mental health centers. OUGHT TO PASS.

The bill had been requested by the Mental Health Community Agencies to permit professional discussions regarding treatment plans to enhance patient care. As hospitals in the state have the freedom to discuss diagnosis and treatment without having every expressed thought subject to possible litigation, the community mental health centers are asking for the same professional freedom. This in no way prohibits the client's (patient's) record from being presented in court for judicial process. Three members volunteered their positive feelings after serving on a quality assurance committee. Vote 10-4. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

Adopted.

Ordered to third reading.

**HB 209-FN**, relative to conflicts between the municipal budget law and collective bargaining negotiations. OUGHT TO PASS WITH AMENDMENT.

This legislation addresses the long-existing conflict between Municipal Budget Law and Collective Bargaining Negotiations. However, it does not completely eliminate some unsettled reservations relating to RSA 32:8 and the 10% rule of the Municipal Budget Law.

This legislation sets a vehicle in motion to bring a clearer view, and explanation of RSA 32:8-a in a comprehensive working solution with RSA 273-A. Its principal effect will be to protect some budget committees from being sued for doing their job. Vote 15-0. Rep. Paul A. Golden for Municipal and County Government.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Collective Bargaining Agreements. Amend RSA 32 by inserting after section 8 the following new section:

32:8-a Collective Bargaining Agreements. Whenever items or portions of items in a proposed budget constitute appropriations whose purpose is to implement cost items of a collective bargaining agreement negotiated pursuant to RSA 273-A, either previously ratified or concurrently being submitted for ratification by the legislative body, or whose purpose is to implement the recommendations of a neutral party in the case of a dispute, as provided in RSA 273-A:12, such items shall be submitted to the budget committee and considered in its budget preparation under RSA 32:5. Such appropriations shall be submitted to the legislative body and shall include a statement of the governing body's recommendation, and a separate statement of the budget committee's recommendation. Such appropriations shall be exempt from the 10 per-

cent limitation on appropriations set forth in RSA 32:8. The failure of the budget committee to recommend any portion of such appropriations shall not be deemed an unfair labor practice under RSA 273-A.

Adopted.

Report adopted.

Ordered to third reading.

**HB 260-FN**, relative to the property tax exemption for the blind on their residential real estate. **INEXPEDIENT TO LEGISLATE.**

Disabilities come in many forms. Being blind is one. Exemptions should be given on a basis of equal treatment and need. One major fault of this bill is that there is no means test, meaning no statement of need. This bill proposed a standard exemption for one type of disability and a 60% assessed valuation reduction for the other. That is not consistent with equal treatment as required by the Constitution. Vote 14-0. Rep. John A. Middleton for Municipal and County Government. (Removed from consent 2/21/91, Rep. Daniel Healy)

Rep. Daniel Healy moved that HB 260 be recommitted, and spoke to his motion.

Rep. Grodin spoke in favor.

Recommitted to Committee.

**HB 365-FN**, relative to veterans' benefits for certain veterans of World War II. **INEXPEDIENT TO LEGISLATE.**

RSA 115:6 prescribes that the New Hampshire State Veterans Council shall provide all New Hampshire veterans with the guidance and assistance that is necessary so that all veterans may receive all the benefits due them. Those persons who served as merchant marine seamen or who were crew members on US Army and Navy transports during World War II are now deemed to be "veterans of WW II," and eligible for all benefits, in accordance with a recent federal determination. As WW II veterans they shall have the full support of the State Veterans Council in seeking the benefits due them. Based on the foregoing, the Committee felt that there was no need for this legislation. Vote 16-1. Rep. Francis C. Vincent for Public Protection and Veterans Affairs.

Rep. Searles moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Rep. Benton spoke against.

Rep. Nielsen spoke in favor and yielded to questions.

Rep. Fields spoke against and yielded to questions.

Rep. Lefebvre spoke in favor and yielded to questions.

The motion lost.

Report adopted.

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 420**, restricting state lottery television advertising to certain hours, was removed at the request of Rep. Arnesen.

**HB 206**, relative to OHRV noise levels was removed at the request of Rep. Hoar.  
Consent Calendar adopted.

**HB 330-FN**, establishing a committee to study the issue of an office of the ombudsman for children. OUGHT TO PASS WITH AMENDMENT.

This bill forms a committee which will determine the feasibility of an office of ombudsman for children's matters. This emanates from hearings held on committees created by HB 262, Chapter 395, Laws of 1990. The amendment extends the reporting date of another child study committee. Vote 13-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

#### Amendment

Amend the bill by replacing section 3 with the following:

3 Report. The committee shall submit a report on its findings and recommendations for legislation, including proposed legislation establishing an office of ombudsman for children, to the speaker of the house, the senate president, and the governor, on or before November 1, 1991.

1 Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Report Date Changed. Amend 1990, 142:6 to read as follows:

142:6 Report. The committee shall prepare an interim report on its progress 6 months after the effective date of this act, and shall prepare a final report [within one year of the effective date of this act] *on or before November 1, 1991*. The committee shall submit such reports to the speaker of the house, the senate president, and the governor.

**HB 224-FN**, relative to new motor vehicle arbitration. OUGHT TO PASS WITH AMENDMENT.

This bill establishes procedures for new motor vehicle arbitration between manufacturers and distributors, and new vehicle owners' procedures for obtaining a refund or replacement. This bill is the result of a study committee bill. Vote 14-0. Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend RSA 357-D:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Consumer" means the purchaser, other than for purposes of resale of a new motor vehicle; the lessee of a new motor vehicle, other than for the purpose of sublease; any person to whom such motor vehicle is transferred during the duration of an express warranty applicable to the motor vehicle; or any other person entitled by the terms of the warranty to enforce the obligations of the warranty. "Consumer" shall not include any governmental entity.

Amend RSA 357-D:2, X(a) as inserted by section 1 of the bill by replacing it with the following:

X. "Motor vehicle" means:

(a) A motor vehicle, as defined in RSA 259:60, of the private passenger or station wagon type that is purchased or leased by a consumer; or

Amend RSA 357-D:5 as inserted by section 1 of the bill by replacing it with the following:

357-D:5 New Motor Vehicle Arbitration Board Established; Administrative Attachment; Rulemaking; Decisions.



I. There is created a New Hampshire new motor vehicle arbitration board consisting of 5 members and 2 alternate members to be appointed by the governor and council. Terms of members shall be for 3 years. Board members may be appointed for no more than 2 terms. One member of the board shall be a new car dealer in New Hampshire, one member and one alternate shall be persons knowledgeable in automobile mechanics, and 3 members and one alternate shall be persons who represent consumers and have no direct involvement in the design, manufacture, distributions, sales or service of motor vehicles or their parts. Three members of the board shall constitute a quorum. Members shall be paid \$50 per diem plus mileage.

II. The board shall be administratively attached to the department of safety under RSA 21-G:10.

III. The board shall adopt rules, pursuant to RSA 541-A, to implement the provisions of this chapter.

IV. The board shall render a decision within 40 days of receipt of a complaint, unless an extension of time has been granted by the board under RSA 357-D:4, IV, and shall have the authority to issue only damages as are provided by this chapter.

Amend RSA 357-D:9 as inserted by section 1 of the bill by replacing it with the following:

357-D:9 Notification to Consumers; Rulemaking by Department of Justice. Beginning with the model year following July 1, 1992, the manufacturer of every motor vehicle sold in this state shall provide a clear and conspicuous written notice of the consumer's rights under this chapter as provided under RSA 357-D:4 at the time of the delivery of every such new motor vehicle in this state. The manufacturer shall provide the consumer with a self-addressed notice in a form developed in accordance with rules adopted by the department of justice under RSA 541-A and sufficient to notify the manufacturer of the consumer's election to proceed under this chapter. The manufacturer shall not delegate this responsibility to its authorized dealers. The manufacturer of every new motor vehicle sold in this state shall also provide a clear and conspicuous notice that informs consumers of their rights under this chapter.

**HB 235-FN**, relative to mandatory risk sharing plans. INEXPEDIENT TO LEGISLATE.

This bill would affect a present New Hampshire Department of Insurance rule, which allows assessment of liability premiums to address the pre-1986 deficit in the New Hampshire Medical Malpractice Joint Underwriting Association. The proponents of this bill argue that the medical liability deficit should be borne specifically by the medical liability line of insurance with which the Medical Malpractice Joint Underwriting Association deals. The opponents of the bill argue that the cost of the deficit must be spread broadly and that the base of medical liability insurance is not sufficiently broad to bear the burden of the deficit. Because the Committee found no substantially compelling basis for this legislation in that no one can assume that actual assessment will occur, the Committee recommends that this be Inexpedient to Legislate. Vote 16-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

**HB 573**, relative to unauthorized insurance. OUGHT TO PASS.

The bill provides that any person who directly or indirectly aids in the development, marketing or administration of an unenforceable, unauthorized line of insurance in this state shall be liable to the insured for the full amount recoverable under the insurance contract as written. The current law specifies liability only for procure-

ment in such cases. The bill was requested by the Insurance Department. Vote 14-0. Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs.

Rep. Fair refrained from voting under Rule 16.

**HB 141-FN**, relative to limiting the mode of taking deer in Dover. OUGHT TO PASS WITH AMENDMENT.

A public hearing was held in Dover and after hearing testimony, the Committee was unanimous that adding Dover to the list of cities and towns which limit the mode of taking deer was warranted. The amendment changes the effective date to read "upon passage." Vote 13-0. Rep. Paula J. Kinney for Fish and Game.

**Amendment** Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 347**, prohibiting hunting with high-powered rifles in the city of Somersworth. OUGHT TO PASS WITH AMENDMENT.

A public hearing was held in Somersworth and the Committee unanimously approved this bill as amended. The amendment places Somersworth under RSA 208:3 along with the 44 other cities and towns. Vote 16-0. Rep. Allen R. Wiggin for Fish and Game.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

AN ACT  
restricting the taking of deer in  
the city of Somersworth.

Amend the bill by replacing all after the enacting clause with the following:

1 City of Somersworth; Taking of Deer Restricted. Amend RSA 208:3, V to read as follows:

V. Strafford County; Durham; Lee; Madbury; *Somersworth*.

2 Effective Date. This act shall take effect upon its passage.

**HB 401**, relative to conibear traps. INEXPEDIENT TO LEGISLATE.

After hearing expert and detailed testimony regarding the use and application of the "conibear" trap the Committee saw no practical need for this legislation. Vote 17-0. Rep. Joseph N. Feuer for Fish and Game.

**HB 418-FN**, relative to issuance of trapping licenses. INEXPEDIENT TO LEGISLATE.

Trapper education was one aspect of this bill and since it was passed in 1990 and went into effect January 1, 1991, the Committee felt it was too soon to repeal this educational legislation. Vote 16-0. Rep. Paula J. Kinney for Fish and Game.

**HB 288-FN**, establishing a study committee on premature births. OUGHT TO PASS WITH AMENDMENT.

It was the considered opinion of the Committee that this legislation would facilitate cooperation between the public and private sectors to address the issues surrounding premature births and to develop a plan to reduce premature births and to develop a plan to reduce prematurity rates and neonatal deaths. Vote 11-0. Rep. Margaret A. Lynch for Health, Human Services and Elderly Affairs.

### Amendment

Amend paragraph III of section 2 of the bill by replacing it with the following:

III. The chief of the bureau of maternal and child health, division of public health services, department of health and human services, or appropriate appointee.

Amend the bill by replacing section 5 with the following:

5 Duties; Report. The committee shall review the statistics relative to prematurity and any other relevant data and shall develop a prevention and early intervention strategic plan for the state which will reduce prematurity rates and neonatal deaths. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1992 legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, 1991.

### AMENDED ANALYSIS

This bill establishes a committee to study the issues surrounding premature births and to develop a statewide plan to reduce prematurity rates and neonatal deaths.

The bill requires the committee to submit its report, together with proposed legislation for the 1992 legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, 1991.

**HB 138-FN**, relative to spousal support. OUGHT TO PASS WITH AMENDMENT.

This bill amends RSA 458-B:2 to include spousal support among those forms of support order which may be made subject to wage assignment. It is an important change in the laws relating to support which will significantly increase the chance of spousal support being paid. Vote 16-1. Rep. Peter Hoe Burling for Judiciary.

### Amendment

Amend RSA 458-B:3, I as inserted by section 4 of the bill by replacing it with the following:

I. The division of human services, department of health and human services, shall be the agency responsible for the administration of this chapter *for child support orders, and combination child support and spousal support orders*.

**HB 302**, relative to the losing party's payment of the prevailing party's costs in tort actions. INEXPEDIENT TO LEGISLATE.

The Committee felt that, in view of the existing protections against frivolous lawsuits, and the fact that the court may currently assess fees and costs in certain cases, the bill is unnecessary. Vote 18-0. Rep. David E. Cote for Judiciary.

**HB 301**, relative to lobbying activities by former members of the general court and former employees of the general court. INEXPEDIENT TO LEGISLATE.

The Committee believes this bill violates free speech and the right to earn a living. It does not find a conflict of interest in going from a one hundred dollar a year job to being gainfully employed. Vote 10-0. Rep. Ann M. Torr for Legislative Administration.

**HB 342-FN**, establishing a committee to plan for and commemorate the 500th anniversary celebration of Columbus Day. INEXPEDIENT TO LEGISLATE.

The Committee decided this should not be a legislative issue, but can be observed by private groups. Vote 10-0. Rep. Miriam D. Dunn for Legislative Administration.

**HB 227-A**, reappropriating funds appropriated for the Concord district court facility for off-site traffic-related improvements. **INEXPEDIENT TO LEGISLATE**.

The Court System and the State Division of Plant and Property have asked that the current funding mechanism for the new Concord District Court be left as it is. Any surplus construction dollars that may exist after the completion of the courthouse (projected to be the late autumn of 1991) may be used to furnish, and equip the new facility. It is the Committee's belief that the courthouse should be built and be made operational before the Legislature disposes of any projected surplus funds. Vote 13-3. Rep. David J. Alukonis for Public Works.

**HB 253-FN**, naming a certain segment of U.S. Route 202 the General Isaac Davis White highway. **OUGHT TO PASS**.

General Isaac Davis White, a native of Peterborough, New Hampshire had a long and distinguished Army career, culminating as Commander-in-Chief, U.S. Army, Pacific. Upon retirement in 1961 he returned to Dublin where he was active in community affairs until his death in 1990. The majority of the Committee feels that it is most appropriate to memorialize him by this action in a part of the state with which he was long associated. Vote 12-4. Rep. Daniel P. McNerney for Public Works

**HB 285-A**, relative to constructing regional vocational centers and making an appropriation therefor. **RE-REFER TO COMMITTEE**.

The Committee had substantial questions regarding this bill, yet due to the great amount of concern from the public in testimony felt that the proper solution would be to study the bill further and tighten all loose ends. The bill addresses the last vocational education center in the 20-center concept. Vote 14-1. Rep. Joanne A. O'Rourke for Public Works.

**HB 324-A**, relative to highway projects and bond issuance and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**.

This bill eliminates unissued general obligation bond authorization on some highway projects and authorizes increased revenue bond issuance costs, funding debt service reserve accounts and relative cost on other highway projects. This bill clarifies certain highway project descriptions and increases cost estimates for many projects. The amendment corrects typographical errors on the bill as it was originally printed. Vote 11-0. Rep. Beaton Marsh for Public Works.

#### **Amendment**

Amend RSA 237:2, VII as inserted by section 4 of the bill by replacing it with the following:

VII. Acquire land as required and make improvements to the central New Hampshire turnpike including, but not limited to, completing the connection to the Merrimack industrial interchange, *relocation of Camp Sargent Road*, improvements to interchanges 3 through 7 as required, the extension of the system to include an easterly circumferential beltway around Nashua extending from exit 2 and running easterly through the city of Nashua and the towns of Hudson, *Litchfield*, and Merrimack to an intersection with the existing turnpike, [in the vicinity of Tinker Road] improvements and widening between interchanges 2 and 7, widening between the Route 101 intersection and the Amoskeag interchange in Manchester, coordinating a study of widening between the I-89 and I-93 interchanges, and the establishment of a toll station southbound in the vicinity of Nashua and the Massachusetts state line.



Amend the bill by replacing section 6 with the following:

6 Funds for Certain Highway Projects. Amend RSA 237:7, I(a)-(f) to read as follows:

237:7 Funds Provided.

I. The following sums are appropriated for the purpose of carrying out the projects authorized by RSA 237:2:

| Projects   | <i>Estimated</i> | Amounts       |
|--|------------------|---------------|
| (a) Improvements to the Blue Star memorial highway.<br>RSA 237:2, I.   | [\$ 42,600,000]  | \$ 43,800,000 |
| (b) Improvements and 2 lane extension of Spaulding turnpike.<br>RSA 237:2, II.   | [76,700,000]     | 43,200,000    |
| (c) Improvements to central New Hampshire turnpike.<br>RSA 237:2, III.   | 28,500,000       |               |
| (d) Construction of Dover-Somersworth interchange number 9 of Spaulding turnpike, including the access roads into and away from the Weeks traffic circle in the city of Dover.<br>RSA 237:2, II. | [2,700,000]      | 2,800,000     |
| (e) Construction and improvements to the central New Hampshire turnpike.<br>RSA 237:2, IV.   | [64,400,000]     | 126,600,000   |
| (f) Improvements to central New Hampshire turnpike.<br>RSA 237:2, V.   | [21,750,000]     | 24,100,000    |

Amend the bill by inserting after section 6 the following and remembering sections 7-13 to read as 8, 9, 10, 11, 12, 13, and 14, respectively:

7 Funds for Certain Highway Projects. Amend RSA 237:7, I(h)-(j) and II and III to read as follows:

|  |               |             |
|--|---------------|-------------|
| (h) Improvements to central New Hampshire turnpike.<br>RSA 237:2, VII.                 | [220,800,000] | 280,200,000 |
| (i) Improvements to the Spaulding turnpike Gosling Road interchange.<br>RSA 237:2, VI. | [11,000,000]  | 17,800,000  |
| (j) Study of exit 10 on Spaulding turnpike, RSA 237:2, II-a.                           | [1,000,000]   | 1,100,000   |

(k) *Toll collection equipment.*

15,000,000

RSA 237:2, VIII.

II. After *substantial* completion of the project or projects authorized by paragraph I of this section, the governor and council may transfer [any balance remaining in the appropriation] *appropriations* for such project or projects to other projects under this chapter. The appropriations made by this chapter shall be continuing appropriations and shall not lapse.

*III. Paragraph I of this section shall not limit the authority of the governor and council under RSA 237-A to provide, solely by resolutions or by trust or security agreements, without further appropriation, for application or expenditures of moneys deposited or held in funds established in connection with the issuance of revenue bonds under RSA 273-A, including without limitation the application of moneys to operate, maintain, and make improvements to the turnpike system, to pay costs of issuance of bonds including costs of traffic studies and engineering reports prepared for issuance of bonds, and to establish and maintain reserves.*

Amend the bill by replacing section 10 with the following:

10 Increasing Bond Amount. Amend RSA 237-A:2 to read as follows:

237-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known as "turnpike system revenue bonds." The bonds may be issued from time to time for the purpose of financing the project costs of construction of any turnpike or of paying or refunding any bonds issued pursuant to RSA 237 or interest thereon. Any such bonds issued to pay or refund bonds issued pursuant to RSA 237 or interest thereon may be issued in sufficient amount to cover items described in RSA 237-A:7. Bonds issued hereunder shall be special obligations of the state and the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. The bonds shall be issued by the treasurer in such amounts as the governor and council shall determine, not exceeding in the aggregate [\$500,000,000] **\$550,000,000**. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the treasurer, and shall mature at such time or times as may be determined by the treasurer, except that no bond shall mature more than 40 years from the date of its issue. Bonds may be made redeemable before maturity either at the option of the state or at the option of the holder, or on the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the treasurer and countersigned by the governor. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as the treasurer may determine.

Amend the bill by replacing section 13 with the following:

13 Repeals. The following are repealed:

I. RSA 237:3, relative to the feasibility of widening a portion of the New Hampshire turnpike.

II. RSA 237:4, relative to written estimate requirements exemptions for certain projects on the central New Hampshire turnpike.

III. RSA 237:7, I(g), relative to improvements to the eastern New Hampshire turnpike.

IV. 1986, 203:5, relative to the New Hampshire turnpike program.

V. 1986, 203:6, V, relative to a toll on the Conway bypass.

VI. 1990, 242, relative to amendments to the New Hampshire turnpike program. Referred to Appropriations.

**HB 339-FN**, relative to traffic signals. OUGHT TO PASS WITH AMENDMENT.

This bill authorizes City Councils to establish, maintain and remove traffic devices and signals on Class IV highways within the compact limits and on Class V highways, not as a mandate but as a cost-saving and time-saving measure.

The amendment, proposed by the Department of Transportation, assures that the erection, removal and maintenance of these devices and signals will be in conformance with all applicable RSAs and the latest edition of the Manual on Uniform Traffic Control Devices. Vote 16-0. Rep. Joanne A. O'Rourke for Public Works.

### Amendment

Amend RSA 47:17, VIII as inserted by section 1 of the bill by replacing it with the following:

#### VIII. TRAFFIC DEVICES AND SIGNALS.

(a) To make special regulations as to the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways; [to establish] *to regulate the use of class IV highways within the compact limits and class V highways by establishing* stop intersections, [erect and provide for the control of traffic] by [,] *erecting* stop signs, *yield right of way signs, traffic signals and all other traffic control* devices [or signals which shall conform to standards set by the highway commissioner and shall be approved by him] *on those highways over which the city council has jurisdiction. The erection, removal and maintenance of all such devices shall conform to applicable state statutes and the latest edition of the Manual on Uniform Traffic Control Devices.*

(b) *The commissioner of transportation shall only approve the installation and modification of traffic signals* as to type, size, installation, and method of operation.

### AMENDED ANALYSIS

This bill authorizes city councils to establish traffic devices and signals on highways over which the city council has jurisdiction.

This bill also requires that the erection, maintenance and removal of traffic devices and signals shall be in conformance with all applicable state statutes and the Manual on Uniform Traffic Control Devices.

This bill is a request of the department of transportation.

**HB 489-FN**, relative to a New Hampshire public facilities authority. INEXPEDIENT TO LEGISLATE.

The Committee unanimously agreed that under the current economic circumstances it is impractical to establish another authority with an increase in state expenditures of unknown magnitude. Further, the authority would only have responsibility for projects of statewide impact, not local. Vote 11-0. Rep. Daniel P. McNerney for Public Works.

**HB 299-FN**, relative to the advertising of alcoholic beverages. **OUGHT TO PASS WITH AMENDMENT.**

The Committee applauds the sponsors of this bill and by a 17-0 majority endorses its passage. The requirement that on-sale and off-sale licenses, as well as the liquor stores, display a warning concerning birth defects and alcohol consumption by pregnant women was supported by all those who testified. This no-cost warning may save uncounted dollars and untold heartache for generations to come. Rep. Laura C. Pantelakos for Regulated Revenues.

**Amendment** Amend the title of the bill by replacing it with the following:

AN ACT  
relative to the posting of statements  
in liquor stores and establishments  
selling beverages and liquors.

Amend the bill by replacing section 1 with the following:

I New Paragraph; Warning for Pregnant Women. Amend RSA 175:4 by inserting after paragraph III the following new paragraph:

IV. The following statement shall be posted on the premises of all on-sale and off-sale licensees and at state liquor stores: "According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects." Such statement shall be located in a conspicuous and prominent place within the establishment and shall appear on a contrasting background.

#### AMENDED ANALYSIS

This bill requires all establishments selling alcoholic beverages or liquor to post a statement warning pregnant women of the possibility of birth defects.

**HB 370-FN**, privatizing the sale of liquor. **INEXPEDIENT TO LEGISLATE.**

The Committee felt that the history of success that the Liquor Commission has enjoyed precludes the need to consider such a radical change in our method of operation at the present time. Vote 16-0. Rep. Stephen W. Buco for Regulated Revenues.

**HB 498-FN**, relative to domestic manufacturers of liquor. **INEXPEDIENT TO LEGISLATE.**

The sponsor requested this bill be killed, as the need for change in law has been addressed and solved by the Liquor Commission. Vote 16-0. Rep. Betsy McKinney for Regulated Revenues.

**HB 491-FN**, relative to the collection of the normal yield tax in unincorporated towns and unorganized places. **OUGHT TO PASS.**

The Committee gives its strong support to this bill, which allows the county commissioners to collect the yield tax on timber cut in unincorporated towns, believing that these taxes should be collected in the same way that real estate taxes and other municipal fees and taxes are currently collected. Furthermore, the Committee is convinced that this represents a saving for the Department of Revenue Administration which will no longer have to provide this service. Vote 15-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

**HB 220-FN**, repealing the art fund. **INEXPEDIENT TO LEGISLATE.**

The sponsor and all who testified before the Committee asked that this bill be reported out "Inexpedient to Legislate" and urged support of a companion Senate Bill. Vote 13-0. Rep. Lowell D. Apple for State Institutions and Housing.



**HB 275-FN-A**, establishing a permanent heritage collections committee and a New Hampshire heritage trust fund, continually appropriating funds in the trust fund to the committee, and making an appropriation therefor. OUGHT TO PASS.

This bill is a useful tool by which the state can manage the hundreds of historical artifacts found on state premises and maintain them in an efficient manner. Vote 13-0. Rep. Scott E. Green for State Institutions and Housing.

Referred to Appropriations.

**HB 172-FN**, relative to private lease of state railroad real estate. OUGHT TO PASS WITH AMENDMENT.

This bill recognizes state ownership of shoreline property and permits the Department of Transportation to lease said property and dock rights to abutters as well as to require liability insurance protection for the state and railroad operators by the lessees. Vote 12-0. Rep. John Hoar, Jr. for Transportation.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 194-FN**, to require the wearing of motorcycle protective headgear. INEXPEDIENT TO LEGISLATE.

The Committee felt that this bill, having been discussed on numerous occasions in the past few years and having been opposed each time by the vast majority of the 95,000 licensed motorcyclists of the state and having been voted down each time by an overwhelming majority of the legislators, that it should continue to abide by the wishes of the people and vote this bill Inexpedient to Legislate. Vote 11-1. Rep. Sherman A. Packard for Transportation.

**HB 236-FN**, to increase the transfer fee on vehicles. INEXPEDIENT TO LEGISLATE.

The Committee recognizes the sponsor's desire to help local communities raise more revenue by adding an additional transfer fee. However, the Committee felt that raising these fees would add an additional burden on the vehicle owners who have seen many related fees increased over the last 10 years. The Committee feels that the vehicle owners are already paying their fair share and that the increase in local revenues is not that dramatic. Vote 14-2. Rep. Andrew Christie, Jr. for Transportation.

**HB 237-FN**, to increase the local application fee for a certificate of title. INEXPEDIENT TO LEGISLATE.

The Committee felt that this bill placed another cost on the vehicle owners of this state by increasing the Title Fee. Statewide, this fee will not raise local revenue significantly, but it does have an impact on an already overburdened vehicle owner. Vote 14-2. Rep. Andrew Christie, Jr. for Transportation.

Adopted.

#### REGULAR CALENDAR

**HB 122**, relative to placing ballots directly in the ballot box. OUGHT TO PASS WITH AMENDMENT.

This bill removes the requirement from RSA 659:25-a that the voter "shall hand the ballot to the moderator." The voter thus is allowed to directly place his/her ballot in the ballot box after voting, unless assistance is requested from the moderator in depositing the ballot. Vote 11-1. Rep. Carol H. Holden for Constitutional and Statutory Revision.

### Amendment

Amend the bill by replacing section 1 with the following:

1 Voter to Place Ballot in Ballot Box. Amend RSA 659:23, I to read as follows:

I. Before leaving the voting booth, the voter shall fold his ballot in the same way it was folded when received by him and shall keep it folded so that the marks on it cannot be seen. He shall then proceed to the checkout table and shall announce his name to the town clerk who shall repeat the name and place a mark beside it on his checklist. The voter shall [then present his ballot with the official endorsement uppermost to the moderator who shall] then deposit the ballot in the ballot box, *unless the voter requests assistance from the moderator in depositing the ballot in the ballot box.*

### AMENDED ANALYSIS

This bill allows voters to directly place their ballots in the ballot box after they vote, unless they request assistance from the moderator in depositing the ballots.

Adopted.

Report adopted.

Ordered to third reading.

**HB 257**, relative to collection and reclamation of motor vehicle wastes. **OUGHT TO PASS WITH AMENDMENT.**

Last session the Legislature gave authority to cities and towns to levy a fee on its residents to defray the cost of disposing of automobile batteries, used motor oil and tires. This legislation clarifies the existing statute to ensure that only those residents, and the residential business operating in a town which imposes this fee, will benefit from the fund established by law. Businesses which receive non-resident motor vehicle waste may not include the non-residential waste in the town collection program. Vote 16-1. Rep. Rick A. Trombly for Environment and Agriculture.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Motor Vehicle Waste Defined. Amend RSA 149-M:13-a, I to read as follows:

I. A town which collects an additional fee under RSA 261:153, V shall create a town reclamation trust fund to receive the town share of such fee, to be used to pay the fees for the collection and disposal of the town's motor vehicle waste. *For the purposes of this section, "motor vehicle waste" means used residential motor oil, residential motor vehicle batteries, and tires from residential motorized vehicles.* Towns may use any moneys in the fund in excess of such fees for the recycling and reclamation of other types of solid waste.

2 Motor Vehicle Waste Defined. Amend the introductory paragraph of RSA 261:153, V to read as follows:

V. Beginning July 1, 1989, in addition to each registration fee collected under paragraph I, there may be collected an additional fee for the purposes of a town reclamation trust fund as established in RSA 149-M:13-a. Of this amount, \$.50 shall be retained by the city official designated by the city government or by the town clerk for administrative costs and the remaining amount shall be deposited into the reclamation trust fund established by the town for the purpose of paying collection and disposal fees for the town's motor vehicle wastes. *For the purposes of this paragraph, "motor vehicle wastes" means used residential motor oil, residential motor vehicle batteries, and tires from residential motorized vehicles.* A town which collects such

additional fees shall not charge a disposal fee for motor vehicle waste at the town's solid waste disposal facility. If a town finds the additional fee is not sufficient to cover fees for collection and disposal of town motor vehicle waste, it shall notify the office of state planning. The office shall study the fee in accordance with RSA 4-C:1 and make recommendations, if necessary, for increases in the fee. The additional fee schedule shall be graduated by class of vehicle as follows:

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill limits the collection and reclamation of motor vehicle wastes for the purposes of the town reclamation trust fund to residential motor vehicles wastes.

Adopted.

Report adopted.

Ordered to third reading.

**HB 118**, relative to determination of alimony where one spouse has remarried. **OUGHT TO PASS WITH AMENDMENT.**

This bill exempts the income of a party's current spouse from consideration when a court determines the amount of alimony, unless the party has resigned from or refuses employment or is voluntarily unemployed or underemployed. Vote 16-1. Rep. Elizabeth D. Lown for Judiciary.

#### Amendment

Amend RSA 458:19, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The court may make orders for alimony in a lump sum, periodic payments, or both. In determining the amount of alimony, the court shall consider the length of the marriage; the age, health, social or economic status, occupation, amount and sources of income, the property awarded under RSA 458:16-a, vocational skills, employability, estate, liabilities, and needs of each of the parties; the opportunity of each for future acquisition of capital assets and income; the fault of either party as defined in RSA 458:16-a, II(1); and the federal tax consequences of the order. The court may also consider the contribution of each of the parties in the acquisition, preservation, or appreciation in value of their respective estates and the non-economic contribution of each of the parties to the family unit. *In any proceeding for modification of an existing alimony order, the earned or unearned income of the current spouse of the obligor party shall not be considered a source of income to that obligor party for the purpose of modification, unless the obligor party resigns from or refuses employment or is voluntarily unemployed or underemployed, in which case the income of the current spouse may be imputed to the obligor party only to the extent that such obligor party could have earned income in his or her usual employment.*

Adopted.

Report adopted.

Ordered to third reading.

**HB 273-FN**, relative to assault upon a law enforcement officer. **INEXPEDIENT TO LEGISLATE.**

The majority of the Committee felt that it would be a dangerous and expensive precedent to set. This bill would set police officers above citizens by making an assault on an officer a Class B felony. A Class B felony carries a prison term of at least one year and up to seven years. The only other assault offense for "bodily injury"

that carries a punishment of a Class B felony is bodily injury to a child under 13 years of age. Certainly, a trained professional police officer equipped with a weapon does not belong in that statute. The Fiscal Note claims the cost would be at least \$18,000 annually. The impact on courts and jails must also be considered. This Committee has killed this bill numerous times. Vote 16-3. Rep. Donnalee M. Lozeau for Judiciary.

Adopted.

**HB 435-FN**, permitting adjustments in legislative mileage resulting from changes in the price of gasoline. OUGHT TO PASS.

Passage of HB 435 will require the Office of the Legislative Budget Assistant to use the price of gasoline in a formula to be used to calculate legislative mileage. The Fiscal Note indicates an undetermined addition to administrative expenses, but there needs to be no appropriation of extra funds. The formula will use the prices in effect at time of passage as a base. The allotment may go up or down, but will not go below the base. Vote 10-0. Rep. Robert A. Lockwood for Legislative Administration.

Rep. Donna Sytek spoke against.

Rep. Gross spoke in favor and yielded to questions.

Rep. Barnes spoke against.

Roll call request not sufficiently seconded.

Division requested.

On a standing vote, the Chair declared the vote was manifestly in the affirmative.

Adopted.

Referred to Appropriations.

**HB 238-FN-A**, relative to sewage treatment projects and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

The Committee recognizes that communities throughout the state are having difficulties obtaining funds for sewage treatment projects. At a time when we, as legislators, are being asked to cut costs throughout state government, the Committee felt this is not the time to increase the state's contribution from 20 percent to 50 percent. Vote 12-3. Rep. Terry D. Oliver for Public Works.

Rep. William McCann moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Oliver spoke in favor of the Committee report.

On a division vote, 150 members having voted in the affirmative and 180 in the negative, the motion failed.

Report adopted.

**HB 143-FN**, relative to the liquor commission's authority to close liquor stores. OUGHT TO PASS WITH AMENDMENT.

This bill establishes concrete procedures to be followed in the event closure of a liquor store is considered. Generally accepted accounting principles for both revenues and expenses and an allocation for indirect costs shall be followed in determining net operating profit vs loss. The cost allocation plan for each fiscal year shall be submitted not later than three months before the start of each fiscal year. This plan will properly reflect the operating expenses of each state store. These procedures will insure that a businesslike approach will be followed in all further store closings. Vote 16-0. Rep. Robert N. Kelley for Regulated Revenues.



### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Duties. Amend RSA 176:3 to read as follows:

176:3 Duties. The primary duties of the liquor commissioners shall be [to maximize state revenue] to maintain proper control and to be solely responsible for the efficient and effective operation of the commission, *as provided under this title*.

2 Proof of Unprofitability and Legislative Approval. Amend RSA 177:2 to read as follows:

177:2 Closing of State Stores.

*I. The commission shall close any state liquor store which has been in business for a reasonable period of time which is not producing a net operating profit [or which is producing only a marginal profit]. The commission shall have the authority to close any [such] state store [whether the decision to open such store was made by the commission or the legislature] which has not produced a net operating profit for the most recently concluded fiscal year. To close a profitable store, the commission shall obtain fiscal committee and governor and council approval. In determining net operating profit or loss the commission shall adhere to generally accepted accounting principles for both revenues and expenses and shall include an allocation for indirect costs.*

*II. In order to properly reflect the operating expenses of each state store, the commission shall prepare annually an indirect cost allocation plan for all indirect operating expenses of the commission. All such expenses of the commission, with the exception of the enforcement and licensing division operating expenses, shall be included in the plan and allocated to all state stores on a consistent, rational basis. The indirect cost allocation plan for each fiscal year shall be submitted to the fiscal committee and the governor and council for approval, no later than 3 months before the start of each fiscal year.*

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill sets a standard of proof of unprofitability which the liquor commission must establish before a liquor store may be closed for unprofitability. The bill further requires that the fiscal committee's and the governor and council's approval of the closing must be obtained.

The bill also sets a standard by which the commission shall allocate indirect operating expenses among the state stores. The commission must submit an allocation plan to the governor and council and fiscal committee prior to each fiscal year.

Reps. Larson and Robert Kelley spoke in favor and yielded to questions.

Amendment adopted.

Referred to Appropriations.

**HCR 1**, concerning the constitution of the United States. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

MAJORITY: The Committee had a lengthy hearing on HCR 1, which would rescind the 1979 call for a federal constitutional convention. The majority agrees with the more than 120 people who appeared or wrote letters asking that HCR 1 be Inexpedient to Legislate. Also, the State and National Republican Committees, along with our New Hampshire Congressional Delegation of both parties, are against rescinding our 1979 call for a Constitutional Convention by expressing the same concern of the majority of the Committee. The best way to win a balanced budget amendment is for

the states to pressure Congress for a limited Constitutional Convention. Any attempt to rescind the 1979 resolution sends a message to our Washington legislators that we are not serious about fiscal responsibility. Vote 10-5. Reps. Lawrence A. Guay, Dennis H. Fields, Beverly A. Gage, George N. Katsakiores, Eleanor H. Amidon, Lowell D. Apple, Michael J. Hill, Carol H. Holden, John B. Hunt and Garret P. Cowenhoven for the Majority of State-Federal Relations.

**MINORITY:** The majority believes that by threatening to tinker with the United States Constitution, it can coerce the Congress into adopting a "balanced budget" amendment. The minority believes that continued demand for a Constitutional Convention will result in something that no one now wants, the call of a Convention without single purpose, comprehensible rules or understandable limits.

There is only one instance in our history of a Constitutional Convention, and the single pertinent lesson to be learned from that experience is this: such conventions are effectively beyond limits or restraints. They may address any subject, raise any issue. It is said that "no, New Hampshire has called only for a Convention on the issue of a balanced budget," and that anything else could not be voted on. But, no one knows that such is the case. No one knows what would happen if such a Convention were convened, and issues other than the balanced budget amendment were introduced for action.

It is a risky game the majority wants to play with our Constitution. Some people might be reminded of the adolescent game of Chicken, with two cars racing headlong at each other. Can we depend upon Congress to metaphorically swerve away, by adopting its own balanced budget? Or might we more reasonably expect that we will get just what the majority asks for, a crash of many issues into the precious Constitutional fabric of our government. Is it really worth the risk? Rep. Peter Hoe Burling for the Minority of State-Federal Relations.

Rep. Burling moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. William Riley spoke in favor and yielded to questions.

Rep. Katsakiores spoke against and yielded to questions.

**(Deputy Speaker Michael Hill in the Chair)**

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Jasper spoke against and yielded to questions.

**(Speaker Burns in the Chair)**

Rep. Welch spoke in favor and yielded to questions.

Rep. Warburton spoke against.

Rep. Burling spoke in favor.

Rep. Cowenhoven spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 150**

**NAYS 202**

**YEAS 150**

**BELKNAP**

Accornero, Harry

Campbell, Richard H., Jr. Golden, Paul A.

Rice, Thomas E. P., Jr.

Zaharchuk, Peter J., Jr.

**CARROLL**

Allard, Nanci A.

Dodge, A. Gibb, Jr.

Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.  
 Doucette, Richard F.  
 Kingsbury, H. Thayer  
 Riley, William A.

Champagne, Richard L.  
 Feuer, Joseph N.  
 LaMar, David M.  
 Spear, Susan S.

DePecol, Benjamin J.  
 Hogan, James B.  
 Morse, Jo Ann T.

**COOS**

Coulombe, Henry W.  
 Mayhew, Josephine  
 Pratt, Leighton C.

Hawkinson, Marie C.  
 Nelson, Harold D.  
 Theriault, Romeo J.

Kilbride, Dennis J.  
 Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
 Chambers, Mary P.  
 LaMott, Paul I.  
 Stewart, Roger D.

Arnesen, Deborah L.  
 Copenhaver, Marion L.  
 Markley, J. Keith  
 White, Paul R.

Brown, Patricia B.  
 Guest, Robert H.  
 Nordgren, Sharon L.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Burke, Stephen J.  
 Drabinowicz, A. Theresa  
 Ferlan, Arthur P.  
 Green, Scott E.  
 Hall, Betty B.  
 Jordan, Mary H.  
 Lozeau, Donnalee M.  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Pignatelli, Debora B.  
 Rothhaus, Finlay C.  
 Soucy, Donna M.  
 White, John M.

Baroody, Benjamin C.  
 Cote, David E.  
 Dwyer, Patricia R.  
 Ford, Nancy M.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 Lachut, Ervin R.  
 Martin, Mary Ellen  
 Moore, Elizabeth A.  
 Packard, Bonnie B.  
 Reidy, Frank J.  
 Searles, Stanley N., Sr.  
 Tate, Joan C.  
 Wright, George W.

Bowers, Dorothy C.  
 Daniels, Gary L.  
 Ferguson, Charles  
 Gosselin, Gerald O.  
 Haettenschwiler, Alphonse  
 Healy, Walter F.  
 Lown, Elizabeth D.  
 Mason, Howard F.  
 Nardi, Theodora P.  
 Paquette, Rodolphe G.  
 Robinson, Ellen-Ann  
 Smith, Leonard A.  
 Wheeler, David K.

**MERRIMACK**

Barberia, Richard A.  
 Fair, Patricia A.  
 Jacobson, Alf E.  
 Molner, Mary E.  
 Teague, Bert

Braiterman, Thea  
 Gilbreth, Robert M.  
 Johnson, Joyce M.  
 Smith, Gerald R.  
 Wallner, Mary Jane

Dunn, Miriam D.  
 Hall, Douglas E.  
 Letourneau, George E.  
 Soldati, Jennifer G.  
 Yeaton, Charles B.

**ROCKINGHAM**

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Falwell, Robert V.  
 Hoar, John, Jr.  
 MacDonald, Joseph A.  
 McGovern, Cynthia A.  
 Pantelakos, Laura C.  
 Splaine, John E., Sr.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

Brown, Jeffrey M.  
 Clark, Martha Fuller  
 Flanders, John W., Sr.  
 Hutchinson, Karen K.  
 MacKinnon, Nancy W.  
 Packard, Sherman A.  
 Rubin, George R.  
 Syracuse, Anthony  
 Vaughn, Charles L.

Buco, Stephen W.  
 Dowling, Patricia A.  
 Griebisch, Linda  
 Kane, Cecelia D.  
 Magoon, Harold F.  
 Palazzo, Frank J.  
 Schanda, Joseph, Sr.  
 Terninko, Margaret B.  
 Welch, David A.

**STRAFFORD**

Douglass, Clyde J.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 Marston, Robert E.  
 Messier, Donald R.  
 Parks, Joe B.  
 Sullivan, Henry P.  
 Wheeler, Katherine W.

Flynn, Edward J.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 McCann, William H., Jr.  
 O'Brien, John  
 Pelley, Janet R.  
 Vincent, Francis C.  
 Young, John B.

Foss, Patricia H.  
 Hashem, Elaine M.  
 Kincaid, William K.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Spencer, Leo J.  
 Wall, Janet G.

**SULLIVAN**

Allison, David C.  
 Lindblade, Eric N.

Burling, Peter Hoe  
 Stamatakis, Carol M.

Flint, Gordon B.

**NAYS 202  
BELKNAP**

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Joscelyn, William W.  
 Salatiello, Thomas B.  
 Vogler, Charles C.

Cain, Thomas G.  
 Holbrook, Robert G.  
 Maviglio, Steven R.  
 Shibley, Arnold P.  
 Ziegra, Alice S.

Dewhirst, Glenn E.  
 Johnson, Carl R.  
 Rosen, Ralph J.  
 Turner, Robert H.

**CARROLL**

Beach, Mildred A.  
 Daly, Robert J., Jr.  
 Saunders, Howard N.

Bradley, Jeb E.  
 Dickinson, Howard C.  
 Wiggin, Gordon E.

Chandler, Gene G.  
 Foster, Robert W.

**CHESHIRE**

Cole, Kenneth A.  
 Grodin, Richard A.  
 Pearson, Gertrude B.

Cole, Stacey W.  
 Kennison, Wayne A.  
 Perry, David M.

Crutchley, Donald O.  
 Laurent, John J.  
 Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
 Marsh, Beaton

Guay, Lawrence J.  
 Merrill, Gerald P.

Horton, Lynn C.

**GRAFTON**

Bean, Pamela B.  
 Dow, David  
 Larson, Nils H., Jr.  
 Nielsen, Niels F., Jr.  
 Trelfa, Richard T.

Brown, Channing T.  
 Driscoll, William J.  
 Lougee, Richard W.  
 Shackett, Ralph E.  
 Wadsworth, Karen O.

Christy, C. Dana  
 Hill, Richard L.  
 McIlwaine, Deborah P.  
 Teschner, Douglass P.  
 Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Andrews, Frederick B.  
 Baldizar, Barbara J.  
 Calawa, Leon, Jr.  
 Cook, Valerie S.  
 Daigle, Robert A.  
 Dodge, Emma M.  
 Drolet, Paul L.  
 Fenton, James J.

Alukonis, David J.  
 Arnold, Barbara E.  
 Bourque, Ann J.  
 Chasse, Richard D.  
 Cowenhoven, Garret P.  
 Desrochers, Gerard T.  
 Domaingue, Jacquelyn M.  
 Durham, Susan B.  
 Fields, Dennis H.

Amidon, Eleanor H.  
 Baker, George H., Sr.  
 Buckley, Raymond  
 Clemons, Jane A.  
 Crotty, Edward J.  
 Desrosiers, William J.  
 Donovan, Francis X.  
 Emerton, Lawrence A.  
 Gage, Ruth E.



Goulet, Maurice E.  
 Holden, Carol H.  
 Jasper, Shawn N.  
 Kelley, Dana F.  
 Kurk, Neal M.  
 Laughlin, J. Francis  
 Lefebvre, Roland J.  
 McNerney, Daniel P.  
 Murphy, Robert E.  
 Perham, Lester R.  
 Rheault, Lillian I.  
 Sallada, Roland A.  
 Turgeon, Roland M.  
 Wheeler, Robert L.

Greenglass, Alan B.  
 Hultgren, David D.  
 Johnson, Lionel W.  
 Kelley, Robert N.  
 L'Heureux, Robert J.  
 Lawrence, Eva M.  
 McCann, Bonnie Lou  
 McRae, Karen K.  
 Ouellette, Robert O.  
 Peters, Stanley W.  
 Riley, Frances L.  
 Stiles, Walter A.  
 Upton, Barbara A.  
 Wihby, Linda S.

Healy, Daniel J.  
 Janas, Gregory  
 Keane, Cornelius J.  
 King, Frank P.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 McDowell, James E.  
 Mercer, Robert S.  
 Pepino, Leo P.  
 Record, Alice B.  
 Rodgers, G. Philip  
 Tarpley, Nancy L.  
 Vanderlosk, Stanley R.

### MERRIMACK

Anderson, Eleanor M.  
 Boucher, Laurent J.  
 Christie, Thomas J.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Kidder, William F.  
 Millard, Elizabeth S.  
 Weeks, John F., Jr.

Apple, Lowell D.  
 Chandler, Earle W.  
 Daneault, Gabriel J.  
 Hager, Elizabeth S.  
 Jelley, Francis D.  
 Lewis, Mary Ann  
 Stapleton, Henry F.  
 Whittemore, James A.

Asplund, Bronwyn L.  
 Chandler, John P.  
 Fillion, Paul R.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Stio, Peter M.

### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Coffey, John J.  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Ford, Bert H.  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Warburton, Calvin

Benton, Richardson D.  
 Christie, Andrew, Jr.  
 Connell, David R.  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Flanders, David A.  
 Haynes, Richard  
 Hynes, Carolyn E.  
 Klemarczyk, Thaddeus E.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Rosencrantz, James R.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Woods, Deborah L.

Boucher, William P.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Dube, LeRoy S.  
 Flanders, Harry E.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 Melnick, Roy E.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Tufts, Arthur

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Martling, W. Kent  
 Tsiros, William

Bickford, Drucilla  
 Frechette, Roland A.  
 Nehring, William H.

Brown, Julie M.  
 Kinney, Paula J.  
 Torr, Ann M.

**SULLIVAN**

|                       |                     |                  |
|-----------------------|---------------------|------------------|
| Behrens, Thomas A.    | Krueger, Richard H. | Peyron, Fredrik  |
| Rodeschin, Beverly T. | Schotanus, Merle W. | Tetu, Michael A. |

and the motion lost.  
Report adopted.

Rep. Gabrielle Gagnon notified the Clerk that she wished to be recorded in favor of the substitute motion.

Rep. Barberia notified the Clerk that he inadvertently voted yea and intended to vote nay.

**HB 126**, relative to rules in manufactured housing parks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

**MAJORITY:** This bill as written and the sponsor's proposed amendment do not address the problems of leasing or subletting in Mobile Home Parks. Landlords make the rules and tenants have to live by them. The landlord does not follow his own rules and often does just as he pleases regarding leasing/subletting. Tenants have grave reservations as to just who will be their neighbor for a short period of each year and who would be their neighbor the remainder of the year. Under this proposed bill, evictions could become a serious legal problem. Vote 11-2. Rep. Lowell D. Apple for the Majority of State Institutions and Housing.

**MINORITY:** While not in favor of mandatory leasing, which this bill as written would provide, a minority of members wished to make a statement of support for what we believe to be the true intent of the sponsor - that being an equitable leasing policy which would apply to both parkowner and homeowner alike. Reps. Patricia A. Hambrick and Jane A. Clemons for the Minority of State Institutions and Housing.

Rep. Lozeau moved that the words Ought to Pass with Amendment be substituted for the for the report of Committee, Inexpedient to Legislate, and spoke to her motion.

Reps. Scott Green and Apple spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 153**

**NAYS 193**

**YEAS 153  
BELKNAP**

|                           |                    |                     |
|---------------------------|--------------------|---------------------|
| Campbell, Richard H., Jr. | Golden, Paul A.    | Maviglio, Steven R. |
| Salatiello, Thomas B.     | Shibley, Arnold P. |                     |

**CARROLL**

|                 |                      |                   |
|-----------------|----------------------|-------------------|
| Bradley, Jeb E. | Dickinson, Howard C. | Wiggin, Gordon E. |
|-----------------|----------------------|-------------------|

**CHESHIRE**

|                      |                       |                      |
|----------------------|-----------------------|----------------------|
| Burnham, Daniel M.   | Champagne, Richard L. | Cole, Kenneth A.     |
| DePecol, Benjamin J. | Feuer, Joseph N.      | Kingsbury, H. Thayer |
| Morse, Jo Ann T.     | Spear, Susan S.       |                      |

**COOS**

|                    |                     |                     |
|--------------------|---------------------|---------------------|
| Coulombe, Henry W. | Hawkinson, Marie C. | Kilbride, Dennis J. |
| Mayhew, Josephine  | Merrill, Gerald P.  | Oliver, Terry D.    |

**GRAFTON**

Arnesen, Deborah L.  
Dow, David  
McIlwaine, Deborah P.  
Wadsworth, Karen O.

Chambers, Mary P.  
Guest, Robert H.  
Nordgren, Sharon L.

Copenhaver, Marion L.  
Lougee, Richard W.  
Shackett, Ralph E.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baker, George H., Sr.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Crotty, Edward J.  
Dodge, Emma M.  
Drolet, Paul L.  
Ferlan, Arthur P.  
Goulet, Maurice E.  
Hanselman, Gregory L.  
Jordan, Mary H.  
Lefebvre, Roland J.  
McDowell, James E.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
Upton, Barbara A.  
Wright, George W.

Alukonis, David J.  
Baldizar, Barbara J.  
Buckley, Raymond  
Clemons, Jane A.  
Daigle, Robert A.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Gage, Ruth E.  
Gureckis, Adam C., Sr.  
Janas, Gregory  
Keane, Cornelius J.  
Lozeau, Donnalee M.  
Mercer, Robert S.  
Ouellette, Robert O.  
Pepino, Leo P.  
Searles, Stanley N., Sr.  
Tate, Joan C.  
Vanderlosk, Stanley R.

Andrews, Frederick B.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Cote, David E.  
Daniels, Gary L.  
Drabinowicz, A. Theresa  
Fenton, James J.  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Jasper, Shawn N.  
L'Heureux, Robert J.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Packard, Bonnie B.  
Reidy, Frank J.  
Smith, Leonard A.  
Turgeon, Roland M.  
Wibby, Linda S.

**MERRIMACK**

Barberia, Richard A.  
Letourneau, George E.  
Yeaton, Charles B.

Daneault, Gabriel J.  
Smith, Gerald R.

Jacobson, Alf E.  
Wallner, Mary Jane

**ROCKINGHAM**

Boucher, William P.  
Campbell, Marilyn R.  
Connell, David R.  
Dowd, Sandra K.  
Hurst, Sharleene P.  
Lovejoy, Virginia K.  
McGovern, Cynthia A.  
Palazzo, Frank J.  
Roulston, Donald L.  
Splaine, John E., Sr.  
Vaughn, Charles L.

Brown, Jeffrey M.  
Caswell, Albert, Jr.  
Conroy, Janet M.  
Dube, LeRoy S.  
Hynes, Carolyn E.  
Magoon, Harold F.  
Melnick, Roy E.  
Pantelakos, Laura C.  
Schanda, Joseph, Sr.  
Syracusa, Anthony  
Warburton, Calvin

Buco, Stephen W.  
Clark, Martha Fuller  
DiPietro, Carmela M.  
Griebisch, Linda  
Kane, Cecelia D.  
Malcolm, Kenneth W.  
Packard, Sherman A.  
Raynowska, Bernard J.  
Smith, Arthur W.  
Terninko, Margaret B.  
Welch, David A.

**STRAFFORD**

Bickford, Drucilla  
Gilmore, Gary R.  
Keans, Sandra B.  
Martling, W. Kent

Brown, Julie M.  
Hambrick, Patricia A.  
Kincaid, William K.  
McCann, William H., Jr.

Corte, Arthur B.  
Jankowski, Peter M.  
Marston, Robert E.  
Merrill, Amanda A.

Messier, Donald R.  
Pelley, Janet R.  
Wall, Janet G.

O'Brien, John  
Spencer, Leo J.  
Wheeler, Katherine W.

Pageotte, Donald P.  
Tsiros, William  
Young, John B.

#### **SULLIVAN**

Allison, David C.  
Stamatakis, Carol M.

Burling, Peter Hoe  
Tetu, Michael A.

Flint, Gordon B.

#### **NAYS 193**

#### **BELKNAP**

Accornero, Harry  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
Hawkins, Robert S.  
Joscelyn, William W.  
Turner, Robert H.  
Ziegra, Alice S.

Cain, Thomas G.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

#### **CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Jean, Robert R.

Beach, Mildred A.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Chandler, Gene G.  
Foster, Robert W.

#### **CHESHIRE**

Cole, Stacey W.  
Grodin, Richard A.  
LaMar, David M.  
Perry, David M.

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Sawyer, Alfred P.

Doucette, Richard F.  
Kennison, Wayne A.  
Pearson, Gertrude B.

#### **COOS**

Brungot, Catherine V.  
Marsh, Beaton  
Theriault, Romeo J.

Guay, Lawrence J.  
Nelson, Harold D.

Horton, Lynn C.  
Pratt, Leighton C.

#### **GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Hill, Richard L.  
Markley, J. Keith  
Teschner, Douglass P.  
White, Paul R.

Bean, Pamela B.  
Christy, C. Dana  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.

Brown, Channing T.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Stewart, Roger D.  
Ward, Kathleen W.

#### **HILLSBOROUGH**

Ahrens, Frederick G.  
Bourque, Ann J.  
Cowenhoven, Garret P.  
Domaingue, Jacquelyn M.  
Fields, Dennis H.  
Green, Scott E.  
Healy, Daniel J.  
Hultgren, David D.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lawrence, Eva M.  
Mason, Howard F.

Amidon, Eleanor H.  
Calawa, Leon, Jr.  
Desrochers, Gerard T.  
Emerton, Lawrence A.  
Ford, Nancy M.  
Greenglass, Alan B.  
Healy, Walter F.  
Johnson, Lionel W.  
King, Frank P.  
Larochelle, Roger B.  
Lawrence, Norman B.  
McCann, Bonnie Lou

Arnold, Barbara E.  
Cook, Valerie S.  
Desrosiers, William J.  
Ferguson, Charles  
Gosselin, Gerald O.  
Hall, Betty B.  
Holden, Carol H.  
Kelley, Dana F.  
Kurk, Neal M.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
McNerney, Daniel P.



McRae, Karen K.  
 Murphy, Robert E.  
 Pignatelli, Debora B.  
 Riley, Frances L.  
 Stiles, Walter A.  
 Wheeler, Robert L.

Messier, Irene M.  
 Perham, Lester R.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Tarpley, Nancy L.  
 White, John M.

Moore, Elizabeth A.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Rodgers, G. Philip  
 Wheeler, David K.

### MERRIMACK

Anderson, Eleanor M.  
 Boucher, Laurent J.  
 Chandler, John P.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Johnson, Joyce M.  
 Millard, Elizabeth S.  
 Soldati, Jennifer G.  
 Teague, Bert

Apple, Lowell D.  
 Braiterman, Thea  
 Christie, Thomas J.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Jelley, Francis D.  
 Kidder, William F.  
 Molner, Mary E.  
 Stapleton, Henry F.  
 Weeks, John F., Jr.

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Stio, Peter M.  
 Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
 Chulack, Peter G., Sr.  
 Cote, Patricia L.  
 Falwell, Robert V.  
 Ford, Bert H.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 MacDonald, Joseph A.  
 McCarthy, John J., Jr.  
 Rubin, George R.  
 Skinner, Patricia M.  
 Thayer, Leroy C.  
 Woods, Deborah L.

Benton, Richardson D.  
 Coffey, John J.  
 Dowling, Patricia A.  
 Flanders, David A.  
 Haynes, Richard  
 Hutchinson, Karen K.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McKinney, Betsy  
 Senter, Marilyn P.  
 Sytek, Donna P.  
 Tufts, Arthur

Christie, Andrew, Jr.  
 Cooke, Annette M.  
 Drake, Herbert R.  
 Flanders, John W., Sr.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 Rosencrantz, James R.  
 Simon, Peter M.  
 Sytek, John J.  
 Weyler, Kenneth L.

### STRAFFORD

Appleby, James E.  
 Foss, Patricia H.  
 Kinney, Paula J.  
 Sullivan, Henry P.

Douglass, Clyde J.  
 Frechette, Roland A.  
 Nehring, William H.  
 Vincent, Francis C.

Flynn, Edward J.  
 Hashem, Elaine M.  
 Parks, Joe B.

### SULLIVAN

Behrens, Thomas A.  
 Peyron, Fredrik  
     and the motion lost.  
 Report adopted.

Krueger, Richard H.  
 Rodeschin, Beverly T.

Lindblade, Eric N.  
 Schotanus, Merle W.

Rep. Ann Torr notified the Clerk that she abstained from voting on the substitute motion and the Committee report under Rule 16.

**HB 180-FN**, to establish a study committee to evaluate whether a consortium of all institutional law libraries in the greater Concord area is economically feasible and practical. **OUGHT TO PASS WITH AMENDMENT.**

The majority of the Committee felt that it made sense for the major law libraries in the Concord area (including the state-owned ones) to study the idea of coordinating the purchases of extremely expensive law journals, newsletters and other publications. Hopefully, the end result would be that state agencies spend less on law publications. Vote 10-3. Rep. Scott E. Green for State Institutions and Housing.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

to establish a study committee to evaluate whether a  
consortium of all law libraries in the greater  
Concord area is economically feasible  
and practical.

Amend section 1 of the bill by replacing it with the following:

1 Committee Established. A committee is hereby established to study whether it is economically feasible and a more efficient use of resources to create a consortium of all law libraries in the greater Concord area.

Amend section 2 of the bill by inserting after paragraph III the following new paragraphs:

IV. The attorney general, or designee.

V. The chief justice of the supreme court, or designee.

VI. The Franklin Pierce law center librarian, or designee.

VII. The president of the New Hampshire bar association, or designee.

Adopted.

#### **Amendment No. 2**

Amend the bill by replacing section 4 with the following:

4 Report. The committee shall prepare a report of its findings and recommendations, including any recommendations for proposed legislation to be introduced in the 1992 legislative session, and submit such report to the speaker of the house, the president of the senate, and the governor before November 1, 1991.

#### **AMENDED ANALYSIS**

This bill establishes a study committee to evaluate whether a consortium of all law libraries in the greater Concord area is economically feasible and practical.

Adopted.

Report adopted.

Ordered to third reading.

**HB 158**, relative to highway safety for riders and drivers of horses. **OUGHT TO PASS WITH AMENDMENT.**

This bill is to help safeguard the lives of the persons riding animals, or operating animal-drawn vehicles and the lives of the animals while on the roadways of the State. It also clarifies the conduct of approaching vehicles and dogs along the roadways. Vote 11-0. Rep. Richard L. Haynes

**Amendment**

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to highway safety for riders  
and drivers of animals.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to safeguard the lives of the persons riding animals or operating vehicles drawn by animals, and the lives of animals while on the roadways of New Hampshire. The general court recognizes that there has been a great increase in the number of animals and animal-drawn vehicles on the roadways of New Hampshire. Many of these riders and drivers are youthful members of 4-H clubs, Pony Clubs and Trail Rider groups.

2 Animals; Definition of Roadway Clarified. Amend RSA 259:92 to read as follows:

259:92 Roadway. "Roadway" shall mean that portion of a way improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles *or by persons riding an animal or driving an animal-drawn vehicle*. In the event a way includes 2 or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

3 Persons Riding Animals or Driving Animal-Drawn Vehicles. Amend RSA 265:5 to read as follows:

265:5 Persons Riding Animals; Driving Animal-Drawn Vehicles.

*I. Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter except as to those provisions of this chapter which by their very nature can have no application. The term animal as used in this chapter shall include any domestic animal ridden or driven by a person.*

*II. Every person riding an animal upon a roadway shall ride only on a shoulder, as far as practicable from the edge of the roadway. On roadways without a shoulder, every person riding an animal shall ride as near as practicable to an outside edge of the roadway and shall ride on the side of the roadway which presents the least hazard to drivers of vehicles, pedestrians, persons and animals.*

*III. Every person driving an animal-drawn vehicle on a roadway shall drive on the right half of the roadway. A person driving an animal-drawn vehicle shall give way to the right to permit a vehicle to overtake and pass the animal-drawn vehicle, if road conditions and space permit.*

*IV. Persons riding animals on a roadway shall not ride more than 2 abreast, except on a path or a part of a roadway set aside for the exclusive use of animals or during a parade or special event.*

4 Animals; Emergency Vehicles. Amend RSA 265:8, VII to read as follows:

VII. Upon the immediate approach of an emergency vehicle making use of an audible or visual signal, every pedestrian *and every person riding an animal or driving an animal-drawn vehicle* shall yield the right-of-way to the authorized emergency vehicle. This paragraph shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the

highway, nor from the duty to exercise due care to avoid colliding with any pedestrian *or any person riding an animal or driving an animal-drawn vehicle, nor from the duty to exercise due care to avoid frightening any animal.*

5 Dogs as Nuisances: Reference Added. Amend RSA 466:31, II(c) to read as follows:

(e) If it runs after, or chases bicycles, motor vehicles, motorcycles, *animals or animal-drawn vehicles as defined in RSA 265:5* or other vehicles being driven, pulled or pushed on the streets, highways, or public ways;

6 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill revises and clarifies the current statutes relative to highway safety for persons riding animals and driving animal-drawn vehicles.

Adopted.

Report adopted.

Ordered to third reading.

**HB 198-FN**, relative to calculation of fees for motor vehicle registration. INEXPEDIENT TO LEGISLATE.

The contents of HB 198 are being addressed in similar legislation which will be before the House in a future session. The Committee is in favor of continuing the present system of basing the town tax paid on a motor vehicle on the year of manufacture rather than changing it to the model year. Vote 16-3. Rep. George N. Katsakiores for Transportation.

Adopted.

**HB 420-FN**, restricting state lottery television advertising to certain hours. INEXPEDIENT TO LEGISLATE.

The Committee felt advertising is very pertinent to any type of business whose purpose is to raise revenue. Prime time advertising has been very effective and states on our borders would not be controlled by this bill. Vote 16-0. Rep. William J. Desrosiers for Regulated Revenues.

Rep. Arnesen moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke to her motion.

Rep. Behrens spoke against.

The motion lost.

Report adopted.

**HB 206**, relative to OHRV noise levels. INEXPEDIENT TO LEGISLATE.

The Committee felt there was insufficient evidence presented to support the passage of a bill to lower the permitted OHRV noise levels and change the method used for measurements of same. Vote 15-1. Rep. Roger D. Stewart for Transportation.

Rep. Hoar moved that the bill be recommitted.

Rep. Haynes spoke against.

Recommitted to Committee.

#### RESOLUTION

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles



of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 6, 1991 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 271-FN**, to study the purchasing policies of the technical institute and the technical colleges.

**HB 162-FN**, extending the committee studying a statewide trauma care system.

**HB 203-FN**, relative to the confidentiality of quality assurance records of community mental health centers.

**HB 209-FN**, relative to conflicts between the municipal budget law and collective bargaining negotiations.

**HB 330-FN**, establishing a committee to study the issue of an office of the ombudsman for children.

**HB 224-FN**, relative to new motor vehicle arbitration.

**HB 573**, relative to unauthorized insurance.

**HB 141**, relative to limiting the mode of taking deer in Dover.

**HB 347**, restricting the taking of deer in the city of Somersworth.

**HB 288**, establishing a study committee on premature births.

**HB 138**, relative to spousal support.

**HB 253**, naming a certain segment of US Route 202 the General Isaac Davis White highway.

**HB 339-FN**, relative to traffic signals.

**HB 299-FN**, relative to the posting of statements in liquor stores and establishments selling beverages and liquors.

**HB 491-FN**, relative to the collection of the normal yield tax in unincorporated towns and unorganized places.

**HB 172-FN**, relative to private lease of state railroad real estate.

**HB 122**, relative to placing ballots directly in the ballot box.

**HB 257**, relative to collection and reclamation of motor vehicle wastes.

**HB 118**, relative to determination of alimony where one spouse has remarried.

**HB 180-FN**, to establish a study committee to evaluate whether a consortium of all law libraries in the greater Concord area is economically feasible and practical.

**HB 158**, relative to highway safety for riders and drivers of animals.

Rep. Michael Hill moved that the House adjourn.

Adopted.

The House adjourned at 5:03 p.m.

**HOUSE JOURNAL No. 9**

Wednesday, March 6, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairsto.

God of grace and God of glory, on Your people here gathered pour Your power, we pray. Give them power to envision the future that they will help shape, the power to seek and to discern the greater good, the power to act in the best interests of all who call the Granite State home. Bless each one, that each may seek to do the best that is possible. Amen.

Rep. Bell led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Flanagan, Leclerc, Parr, Eugene Gagnon, Domini, Swope, Feuerstein, Bernard, C. Fitzgerald Buckley, Elliott, Anderson, and Eugene Clark, the day, illness.

Reps. Pignatelli, Beach, Peters, David Flanders, Nielsen, Musler, Steiner, David Young (military service), Chulack, Ralph Torr, William Riley, Haynes and Lynch, the day, important business.

Rep. Chase, the day, death in the family.

Reps. Metzger and Rice, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Former Rep. Arnie Wight, guest of Rep. Tufts. Former Rep. Anita Flynn, wife of Rep. Flynn. Mary Ann Foster, wife of Rep. Robert Foster. Barbara Brown, wife of Rep. Channing Brown. Members of the 4th grade class of the Interlakes Elementary School and their teachers, Mrs. Lamoreaus and Mrs. Heath, guests of Rep. Vogler.

**COMMUNICATIONS****RESIGNATIONS**

Honorable Harold Burns, Speaker

I, Gregory Janas, do hereby resign my Hillsborough District 39 seat in the New Hampshire House of Representatives, effective March 6, 1991.

Sincerely, Gregory Janas

Rep. Gross moved that the resignation of Rep. Janas be accepted with respect and spoke to her motion.

Adopted.

Honorable Harold Burns, Speaker

Regretfully, this letter will serve as confirmation that I must resign as a State Representative from Hillsborough County District 46.

I have enjoyed my position in office over the years and hope to have the opportunity to return in the future, but due to personal reasons I find it necessary to relinquish my seat.

Thank you for your understanding in this matter.

Respectfully, Paul R. Dionne

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 331**, establishing a legislative oversight committee on children was removed at the request of Rep. Gross.

**HB 711**, extending the reporting date for the committee to study child care in public and private sector buildings was removed at the request of Rep. Gross.

**HB 59**, establishing a moratorium on private correctional facilities and creating a private prison task force, was removed at the request of Rep. Gross.

**HB 219**, establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital for certain state offices, was removed at the request of Rep. Gross.

Consent Calendar adopted.

**HB 128-FN**, excluding certain types of violations by persons 16 years of age or over from the application of laws regarding children in need of services. INEXPEDIENT TO LEGISLATE.

The Committee is interested in this bill. However, HB 54 would repeal the statute (RSA 169-D) being amended by this bill. HB 54 is under study in Subcommittee and this bill will be incorporated in that study. Vote 15-0. Rep. Ellen-Ann Robinson for Children, Youth and Juvenile Justice.

**HB 436-FN**, making the purchase, possession, and control of child pornography a misdemeanor. OUGHT TO PASS.

This bill makes the purchase, possession, and control of child pornography a misdemeanor. It closes the loophole in the current law and will protect children from exploitation. Vote 15-0. Rep. Irene A. Pratt for Children, Youth and Juvenile Justice.

**HB 483-FN**, relative to emergency temporary adjustments to the application of child support guidelines. INEXPEDIENT TO LEGISLATE.

This Committee voted Inexpedient to Legislate 17-0 because of the lack of clarity, elimination of the guidelines already in place, and other technical errors. Rep. Deborah P. McIlwaine for Children, Youth and Juvenile Justice.

**HB 630-FN**, establishing a committee to study methods of providing assistance to remove lead paint from certain homes. INEXPEDIENT TO LEGISLATE.

This problem should be dealt with in the city or town; therefore, it does not require legislation. Vote 14-1. Rep. Harry Accornero for Children, Youth and Juvenile Justice.

**HB 696-FN**, relative to penalties for the sale and distribution of tobacco products to minors. OUGHT TO PASS.

This bill does nothing more than raise existing inadequate penalties for selling tobacco to minors. The Fiscal Note by the Department of Revenue Administration asking for additional compliance officers has no relevance since this bill requires no additional enforcement activity above that being currently done. Vote 16-1. Rep. Alphonse A. Haettenschwiller for Children, Youth and Juvenile Justice.

**HB 781-FN**, relative to extending foster care and establishing a uniform cut-off date for school children. RE-REFER TO COMMITTEE.

The Committee feels the bill has merit, but with the present fiscal crisis of the state it would be wise to re-refer it for fine tuning. Vote 17-0. Rep. Virginia K. Lovejoy for Children, Youth and Juvenile Justice.

**HB 454**, relative to safe deposit boxes. OUGHT TO PASS.

This bill corrects outdated procedures from 1927 regarding who must be present when an abandoned safe deposit box is opened and making bank boxes consistent with the seven years in the Abandoned Property Law. Instead of the current requirement that the president, superintendent or treasurer be present, this change allows any officer of the bank to be present with a notary public at the time a box is opened. Vote 14-1. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

**HB 698-FN**, relative to debt collection agencies and consumer credit reporting agencies. RE-REFER TO COMMITTEE.

House Bill 698 has much merit, but needs some research, and important information has to be gathered to correct it. Vote 13-1. Rep. George H. Baker for Commerce, Small Business and Consumer Affairs.

**HB 306-FN**, relative to the time for accepting absentee ballots. INEXPEDIENT TO LEGISLATE.

House Bill 306 deals with absentee ballots in state elections; the subject will be dealt with in HB 621. Vote 11-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

**HB 525-FN**, relative to appealing recounts in town elections. OUGHT TO PASS.

Current law provides that a person must appeal the results of a recount of a town election to the Superior Court. The appeal under this bill would be made to the Ballot Law Commission. Vote 13-0. Rep. Ralph E. Shackett for Constitutional and Statutory Revision.

**HB 532**, relative to the color of ballots used in municipal elections. OUGHT TO PASS.

House Bill 532 provides that if more than one ballot is used in a municipal election, each ballot shall be a different color. Many municipalities are presently doing this as it makes the election process much easier yet this practice conflicts with current law. Vote 11-0. Rep. Gary R. Gilmore for Constitutional and Statutory Revision.

**HB 643-FN**, relative to the recall of elected public officials. INEXPEDIENT TO LEGISLATE.

This bill provides that all elected public officials would be subject to recall by the voters that elected them by means of petition. The Committee felt that this bill was not warranted. Vote 13-0. Rep. Ralph E. Shackett for Constitutional and Statutory Revision.

**HB 426-FN**, relative to sweepstakes distribution. INEXPEDIENT TO LEGISLATE.

The Committee feels this bill would defeat the purpose of the Augenblick formula in its attempt to help the poorer communities as ordered by the court. Also, a similar bill is in the Senate which would give one-third of Foundation Aid to the Augenblick formula and two-thirds to the school districts on a per capita basis. Vote 18-0. Rep. John J. Laurent for Education.

**HB 741-FN**, relative to project funding at the university of New Hampshire. INEXPEDIENT TO LEGISLATE.

The sponsor of this bill withdrew action due to the program already having been funded and requested that the measure be Inexpedient to Legislate. Vote 16-0. Rep. Stanley N. Searles for Education.



**HB 651-FN**, establishing a hazardous materials cleanup fund. RE-REFER TO COMMITTEE.

The Committee asks this bill be re-referred. The bill establishes a hazardous materials cleanup fund, but the bill has to be compatible with HB 394 which last session created the Hazardous Waste Advisory Committee consisting of industry representatives, members of the Legislature, and the Department of Environmental Services, to better define how a hazardous waste cleanup fund would be implemented. Vote 17-0. Rep. Jeb E. Bradley for Environment and Agriculture.

**HB 679-FN**, relative to New Hampshire compliance with the Clean Air Act. RE-REFER TO COMMITTEE.

The Environmental Protection Agency is in the process of clarifying what states must do to comply with the Clean Air Act. At the request of the Air Emissions Agency, the Committee recommends that this bill be re-referred until the EPA directives are clarified. Vote 18-0. Rep. Betty B. Hall for Environment and Agriculture.

**HB 364-FN**, relative to the opening and closing of deer season. OUGHT TO PASS WITH AMENDMENT.

It would appear that the best interests of the deer herd and the public would be served through granting the Department of Fish and Game the authority to set the annual deer season. Vote 17-0. Rep. Joseph N. Feuer for Fish and Game.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 377-FN**, relative to commercial fishing licenses and the advisory committee on shore fisheries. INEXPEDIENT TO LEGISLATE.

House Bill 377 has already been taken care of by HB 289 in its entirety. No further action has to be taken. Vote 15-0. Rep. Charles H. Felch for Fish and Game.

**HB 474-FN**, prohibiting bear dog training. RE-REFER TO COMMITTEE.

The Committee feels this is an important bill and needs further work. Vote 17-0. Rep. Charles H. Felch for Fish and Game.

**HB 703-FN**, relative to the negligent discharge of firearms. OUGHT TO PASS WITH AMENDMENT.

This bill changes RSA 207:37-a from three years to 10 years. The amendment makes the bill effective upon passage. Vote 18-0. Rep. Bernard J. Raynowska for Fish and Game.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 277-FN**, requiring licensure of out-of-state mail order pharmacies. RE-REFER TO COMMITTEE.

The Committee recommends that HB 277 be re-referred for further study. Although much work has been done on this bill, there are still a few areas to be addressed, including the specific definition of which pharmacies will be affected and what would be the ramifications for them. Vote 12-0. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

**HB 319-FN**, establishing a committee on access to health care. **OUGHT TO PASS WITH AMENDMENT.**

The Committee felt that the growing problem of access to health care was an issue worthy of study. After hearing testimony, four people were added to the Committee: 1) a representative of a labor union; 2) a representative of the New Hampshire Health Care Association (nursing homes); 3) a representative of the Hospitality Association, which employs large numbers of part-time workers and finally a representative from the Small Business Association. Vote 11-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

#### **Amendment**

Amend RSA 126-A:10-c, I as inserted by section 1 of the bill by inserting after subparagraph (m) the following new subparagraphs:

(n) One individual representing the New Hampshire Health Care Association, nominated by such association and appointed by the governor.

(o) One individual representing organized labor, appointed by the governor.

(p) One individual representing the New Hampshire Hospitality Association, appointed by the executive director of such association.

(q) One individual representing the Small Business Development Center - N.H., appointed by the center.

Amend RSA 126-A:10-c, II as inserted by section 1 of the bill by replacing it with the following:

II. The term of office of each member appointed under paragraph I(l) through (q) shall be 2 years and until a successor is appointed and qualified. The term of office for any other members of the advisory committee shall be co-terminous with the term of office in the position that qualifies that member to be a member of the advisory committee. A vacancy shall be filled in the same manner but only for the unexpired term.

**HB 478-FN**, relative to the emergency shelter program. **OUGHT TO PASS WITH AMENDMENT.**

This bill clarifies that the existing emergency shelter program is currently providing related supportive and preventive services. This bill was requested by the Division of Mental Health and Developmental Services, the Department of Health and Human Services, and calls for no new requirements. The Division has determined that this bill will have no fiscal impact on state, county or local revenue expenditures. Vote 11-0. Rep. Thomas G. Cain for Health, Human Services and Elderly Affairs.

#### **Amendment**

Amend RSA 126-A:43-a as inserted by section 1 of the bill by replacing it with the following:

126-A:43-a Purpose. The purpose of this subdivision is [both] to assist in maintaining and making available additional emergency shelter facilities *and other supportive and preventive services* and to assist in meeting the operating costs of such shelters *and services*.

Amend RSA 126-A:43-c as inserted by section 3 of the bill by replacing it with the following:

126-A:43-c Capital Construction and Rehabilitation. Such funds as the general court may specifically appropriate from time to time may be granted to private non-

profit organizations on an equal matching grant formula basis for the capital costs of renovation, major rehabilitation, or conversion of buildings for use as emergency shelters for the homeless. Such organizations may also use such funds to add additional beds to existing emergency shelters [and], *to maintain such shelters* and to provide related supportive *and* preventive services.

Amend RSA 126-A:43-e, II(d) as inserted by section 4 of the bill by replacing it with the following:

(d) With respect to grants for supportive and preventive services, that such assistance will enable persons assisted to obtain permanent housing and that such services are for the public use and the public benefit.

Amend RSA 126-A:43-h, IV(a) as inserted by section 5 of the bill by replacing it with the following:

(a) Advise the director of the division of mental health and developmental services on any matter related to the emergency shelter program *and the preventive and supportive services provided under this subdivision*.

#### AMENDED ANALYSIS

This bill makes it clear that the emergency shelter program also provides related supportive and preventive services in an effort to find homeless persons permanent housing.

This bill was requested by the division of mental health and developmental services, department of health and human services.

**HB 487-FN**, relative to shared family liability for public assistance. **INEXPEDIENT TO LEGISLATE**.

Upon review of the testimony presented, it is clear that this bill would require complex administrative procedures. The bill may be in conflict with the United States Constitution and in violation of the federal welfare laws. The Committee further felt that those families that are in a position to help currently are helping other less fortunate family members. Vote 13-0. Rep. Thomas G. Cain for Health, Human Services and Elderly Affairs.

**HB 148**, relative to the duties and liabilities of roller skating facility operators and roller skaters. **INEXPEDIENT TO LEGISLATE**.

The Committee believes the bill, though well-intended, establishes a poor precedent by allowing a private group to establish standards that rinks will have to meet. The potential for increasing litigation with no economic relief for current conditions negates what the bill wants to accomplish. Vote 12-0. Rep. Janet G. Wall for Judiciary.

**HB 170-FN**, to provide immunity to the board of examiners of psychologists, its agents, investigators, and employees against civil actions resulting from disciplinary investigations and proceedings. **OUGHT TO PASS WITH AMENDMENT**.

This bill provides to the Board of Psychologists, its agents, investigators, and employees immunity from civil action resulting from disciplinary investigations and proceedings. The Committee felt it would be inappropriate to designate a specific organization, such as the New Hampshire Psychological organization, for immunity within the act. Vote 16-1. Rep. Benjamin J. DePecol for Judiciary.

### Amendment

Amend RSA 330-A:14, IV as inserted by section 2 of the bill by replacing it with the following:

IV. No civil action shall be maintained against the board or any member thereof, or its agents, investigators, employees or any professional organization, or against any other person for or by reason of any statement, report, communication or testimony to the board, or determination by the board in relation to disciplinary proceedings and investigatory proceedings under this section; provided that such statement, report, communication, or determination is made in good faith.

**HB 183-FN**, relative to the imposition of fines for securities violations. OUGHT TO PASS WITH AMENDMENT.

This bill clarifies that an administrative fine may be imposed for each individual violation of a securities law or rule. The amendment changes the effective date to July 1, 1991. Rep. David D. Hultgren for Judiciary.

### Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 1991.

**HB 184-FN**, relative to civil penalties for securities violations. OUGHT TO PASS WITH AMENDMENT.

The amendment makes clear that each violation will be considered separately, thereby allowing multiple fines for each case where there are multiple violations of security regulations. Vote 17-0. Rep. Niels F. Nielsen for Judiciary.

### Amendment

Amend RSA 421-B:23, III as inserted by section 1 of the bill by replacing it with the following:

III. The attorney general may bring an action in the name of the state for injunctive relief and civil penalties for violations of any provision of this chapter. *In any action brought by the attorney general, the civil penalties shall not exceed \$5,000 for each violation in the case of knowing violations, or \$2,500 for each violation in the case of negligent violations, and each of the acts specified shall constitute a separate violation.* The action may be brought in the superior court of the county in which the defendant resides or has his principal place of business, or, with the consent of the parties or if the defendant is a nonresident and has no place of business within the state, in the superior court of Merrimack county.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 1991.

**HB 554-FN**, permitting the Wolfeboro district court and the Ossipee district court to hold sessions in the same location. RE-REFER TO COMMITTEE.

The sponsors recommend that this bill be re-referred to give those who are interested a chance to resolve the issues. Vote 12-0. Rep. Robert A. Lockwood for Judiciary.

**HB 636-FN**, increasing witness fees and mileage. INEXPEDIENT TO LEGISLATE.

This bill called for a 50 percent increase in witness fees. It would cost a great deal of money that the State doesn't have. The FN would call for expenditures of \$431,402 in FY'91 and \$950,560 in FY'92. Vote 14-0. Rep. Peter Hoe Burling for Judiciary.



**HB 668-FN**, making theft of a motor vehicle a misdemeanor. INEXPEDIENT TO LEGISLATE.

The day this Committee heard this bill its schedule was running two hours behind and that perhaps had something to do with the attendance at this hearing. The Committee, however, received no communication from the sponsors that would explain their intentions. The Committee has no understanding of why the state should make theft of a motor vehicle a misdemeanor! This is a serious offense and a serious problem which should remain treated as such. Vote 11-0. Rep. Donnalee M. Lozeau for Judiciary.

**HB 677-FN**, establishing a two-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases. RE-REFER TO COMMITTEE.

The Task Force to Study the Elimination of the Trial De Novo System plans to come in this summer with an omnibus bill implementing the Supreme Court's long-range report on the court in the 21st Century. Vote 14-0. Rep. Elizabeth D. Lown for Judiciary.

**HB 681-FN**, relative to a private property protection act. RE-REFER TO COMMITTEE.

The private property protection act is a bill worthy of further study. Because of time restraints the Committee recommends re-referral. Vote 15-0. Rep. David D. Hultgren for Judiciary.

**HB 708-FN**, relative to reckless conduct. INEXPEDIENT TO LEGISLATE.

The sponsor recommends Inexpedient to Legislate because the issue is covered in another bill. Vote 12-0. Rep. Robert A. Lockwood for Judiciary.

**HB 728-FN**, relative to eliminating state-funded DWI offender rehabilitation programs and ordering minors to attend alcohol education programs. INEXPEDIENT TO LEGISLATE.

The Committee has grave concerns with the motivation behind this legislation. The testimony from private companies that provide this same service added to this concern. The Office of Drug and Alcohol Prevention (ODAP) is doing an admirable job in providing this service. In the last session this Committee passed legislation that significantly will impact the state's ability to be reimbursed for these services. One should never punish a job well done. The Fiscal Note also points out this bill can decrease state expenditures. Vote 15-0. Rep. Donnalee M. Lozeau for Judiciary.

**HB 337-FN**, relative to drug and alcohol testing in the workplace. RE-REFER TO COMMITTEE.

The Committee recognizes that HB 337 is necessary legislation, but that additional work needs to be done to address the subject properly. Vote 14-1. Rep. David O. Dow for Labor, Industrial and Rehabilitative Services.

**HB 24-FN**, prohibiting departments from mandating by rule programs or responsibilities to political subdivisions without full funding. RE-REFER TO COMMITTEE.

The Committee moved to re-refer this bill at the request of the sponsor. Vote 13-0. Rep. Robert A. Lockwood for Legislative Administration.

**HB 287-FN**, relative to charging expenses for state police services at certain events. INEXPEDIENT TO LEGISLATE.

The subject matter of this bill is adequately addressed in RSA 105:9 III-a which covers the "service of any police officers." As written, the sponsor of any public meeting or function requiring the attendance of police officers may be charged for the

"services of any police officers." The method of payment for such services is an internal matter. The state should neither be expected nor be asked to serve as mediator in minor technical aspects of operating a department. To introduce the same subject matter specifying "state police" is redundant, and does not require statutory emphasis. Vote 15-0. Rep. Frances L. Riley for Public Protection and Veterans Affairs.

**HB 608-FN**, relative to the law enforcement authority of forest rangers and officials of the division of forests and lands. **OUGHT TO PASS WITH AMENDMENT.**

The Forest Rangers of the Department of Resources and Economic Development (DRED) are responsible for the protection of state lands under the control of DRED, and for the control of persons who enter upon and use such lands. There are 12 Forest Rangers who police and control the state lands in New Hampshire. Their education will be enhanced by their attendance at the New Hampshire Police Academy, to attain the status of "part-time police officer." The rangers may then make arrests without a warrant, and they may prosecute cases in municipal and district courts. A small portion of the fines levied by the courts for forest land violations will be used by the Commissioner of DRED for further training of Forest Rangers. Vote 14-0. Rep. Leroy C. Thayer for Public Protection and Veterans Affairs.

#### **Amendment**

Amend RSA 224:55 as inserted by section 4 of the bill by replacing it with the following:

224:55 Fines. The court or justice of any court in which a complaint for a violation of any law, rule, or regulation relating to this chapter and other laws pertaining to the protection, improvements and extension of woodlands is prosecuted shall, within 30 days after any fine or forfeiture is paid, remit the amount of such fine or forfeiture to the commissioner of the department of resources and economic development, provided, however, that from each fine collected by a municipal or district court, there shall be deducted \$10 and 20 percent of that part of the fine that exceeds \$10 and the same shall be dispensed of as provided for in RSA 502:14 or 502-A:8. Provided further that any fine or forfeiture collected by a superior court shall be retained to the benefit of the county, and disposed of as provided for in RSA 499:5. The portion of the fine or forfeiture returned to the commissioner shall be placed in an account which shall be continually appropriated to the division of forests and lands for the purpose of training forest protection personnel.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

**HB 327-FN**, relative to the disposal of state-owned real estate. **OUGHT TO PASS WITH AMENDMENT.**

This bill exempts the exchange of state-owned lands from the requirements of RSA 4:40 and thereby reduces processing time from 8 to 12 months to 1-2 months. The amendment includes the sale of buildings needed to be moved to clear the right-of-way. Vote 11-0. Rep. Daniel P. McNerney for Public Works.

**Amendment**

Amend RSA 4:40, IV as inserted by section 1 of the bill by replacing it with the following:

IV. This section shall not apply to sale of institutional lands as provided by RSA 10:4, to real estate given or bequeathed to the state under provisions of trust, or to state lands or their products required to be held to procure a continuance of federal conservation work. *This section shall also not apply to the exchange of state-owned lands for other lands of equal or greater value, which are under the jurisdiction of a department and used by such department during right-of-way negotiations or to the sale of buildings that need to be moved to clear such right-of-way for public projects found necessary under other state laws.*

**AMENDED ANALYSIS**

This bill exempts lands, owned by state departments, which are exchanged for other lands during right-of-way negotiations and the sale of buildings which need to be moved to clear such right-of-way for public projects from the law regulating disposal of state-owned real estate.

This bill is a request of the department of transportation.

**HB 372-FN**, relative to further protection of scenic roads in municipalities. **ought to pass with amendment.**

This legislation is an attempt to clarify, particularly by cross-reference to all pertinent statutes, the laws protecting scenic roads. Not all but some towns have experienced some abuse because various parties refer to different RSAs. This should allow for a more understandable interpretation. The Subcommittee included two members from the Committee on Municipal and County Government. Vote 14-1. Rep. Sandra B. Keans for Public Works.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to further protection of scenic roads  
in municipalities and the removal of  
trees posing a safety hazard.

Amend the bill by replacing all after the enacting clause with the following:

1 Removal of Certain Hazardous Trees. Amend RSA 231:145 to read as follows:

231:145 Removal of Certain Hazardous Trees. Notwithstanding the provisions of other sections of this subdivision or any other provision of law, the commissioner of transportation on class I and III highways, and state maintained portions of class II highways, and the mayors of cities and the selectmen of towns and the county commissioners for unorganized places on class IV, V and VI highways and town maintained portions of class II highways may declare any tree, either alive or dead, situated within the limits of highways, roads, or streets to be a public nuisance by reason of danger to [traffic] *the traveling public* or spread of tree disease. After such declaration by such authority and notice to the abutting landowner on whose property such tree is located the said authority shall within a reasonable time remove the same without compensation or cost to the abutter. However, no such declaration and notice shall be required [for the annual removal of trees and bushes that cause damage to the highways or to the traveling public or are objectionable from the material or artistic

standpoint as provided in RSA 231:150] *when the delay entailed by such declaration and notice would pose an imminent threat to safety or property*. The provisions of this section shall not apply to public shade or ornamental trees. Nothing in this subdivision shall be construed to relieve the public utility companies of their accepted responsibility of tree trimming and tree removal for the protection of their lines, or for the construction of new lines, or to alter the provisions of RSA 231:150-182 in any manner. The aforesaid state and municipal authorities may require of the public utilities owning lines which pass through or near a tree or trees which are condemned for removal as a public nuisance to assist in their removal at their expense by either the temporary removal of their lines or by causing to be removed at their expense the top portion of said tree or trees from a point below their lines.

2 Clearing Highways of Certain Travel Hazards. Amend RSA 231:150 to read as follows:

231:150 Clearing Highways. Mayors of cities, selectmen of towns and county commissioners for unorganized places shall annually [during August or September], and at other times when advisable, cause to be cut and disposed of from within the limits of town maintained highways all trees and bushes that *may* cause damage *or pose a safety hazard* to such highways or to the traveling public[, or that are objectionable from the material or artistic standpoint]; *provided however that no tree which has a circumference of 15 inches or more at a point 4 feet from the ground shall be removed in the absence of notice to the abutter in the same manner as provided in RSA 231:145 and RSA 231:146, except when the delay entailed by such notice would pose an imminent threat to safety or property*. Shade and fruit trees that have been set out or marked by the abutting landowners or by the town tree wardens, and young trees standing at a proper distance from the highway and from each other, shall be preserved, as well as banks and hedges of bushes that serve as a protection of the highway, or that add to the beauty of the roadside.

3 Designation as a Scenic Road. Amend RSA 231:158, II to read as follows:

II. Upon a road being designated as a scenic road as provided in RSA 231:157, any repair, maintenance, reconstruction, or paving work done with respect thereto *by the state or municipality, or any action taken by any utility or other person acting to erect, install or maintain poles, conduits, cables, wires, pipes or other structures pursuant to RSA 231:159-189* shall not involve [or include] the cutting, *damage* or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or any other official municipal body designated by the meeting to implement the provisions of this subdivision, after a public hearing duly advertised as to time, date, place and purpose. 2 times in a newspaper of general circulation in the area, the last publication to occur at least 7 days prior to such hearing, provided however that a road agent, *his designee, or a public utility* may, *without such hearing, but only with the written permission of the selectmen*, remove *trees or* portions of trees[, shrubs, vegetation and other natural or man-made obstructions from within 3 feet of the main traveled portion of such road which interfere with the safe travel upon such road without such consent, and provided further that a road agent may, in emergency situations, cut and remove trees with the written consent of the selectmen without such hearing] *which have been declared a public nuisance pursuant to RSA 231:145 and 231:146, when such trees or portions of such trees pose an imminent threat to safety or property, or when such removal is necessary for the prompt restoration of utility service which has been interrupted by facility damage due to storms or other outside forces*.



4 Shade and Ornamental Trees. Amend RSA 231:158, IV to read as follows:

IV. Designation of a road as a scenic road shall not affect the rights of any landowner with respect to work on his own property, *except to the extent that trees have been acquired by the municipality as shade or ornamental trees pursuant to RSA 231:139-156, and except that RSA 472:6 limits the removal or alteration of boundary markers including stone walls.*

V. *A town may, as part of a scenic road designation under RSA 231:157 or as an amendment to such designation adopted in the same manner, impose provisions with respect to such road which are different from or in addition to those set forth in this section. Such provisions may include, but are not limited to, decisional criteria for the granting of consent by the planning board or other designated municipal body under paragraph II, or protections for trees smaller than those described in paragraph I, designated for the purpose of establishing regenerative growth along the scenic road.*

VI. *Any person who violates this section or any local provision adopted under this section shall be guilty of a violation and shall be liable for all damages resulting therefrom.*

5 Cutting Trees. Amend RSA 231:172 to read as follows:

231:172 Cutting Trees. No such licensee shall have the right to cut, mutilate or injure any shade or ornamental tree, for the purpose of erecting or maintaining poles or structures or installing wires or other attachments or appurtenances thereto, without obtaining the consent of the owner of the land on which such tree grows or the payment or tender in full of damages therefor determined as provided in this section. If the consent of such owner cannot be obtained, the selectmen, upon petition, after notice to *the owner* and hearing, shall determine whether the cutting or mutilation is necessary and if determined to be necessary, they shall assess the damages that will be occasioned to the owner thereby. *Upon highways which have been designated scenic roads pursuant to RSA 231:157 and RSA 231:158, cutting shall be further restricted as set forth in those sections or any local provisions adopted thereunder.*

6 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill clarifies the effect of designating a town or city highway as a scenic road.

The bill allows towns greater flexibility in determining the elements worth protecting on a scenic road and the rights of landowners with respect to trees and boundary markers which make a road scenic.

The bill also allows, under certain conditions, the cutting of trees which pose a danger to the traveling public.

**HB 379-FN**, relative to advertising devices within highway rights-of-way. RE-REFER TO COMMITTEE.

After substantial testimony, it became painfully clear that there is a major difference of opinion as to whether abutters may have signs in the right-of-way on very narrow roads. There seems to be a question as to the federal regulation and its "vigorous" enforcement. This has been a cause for relief legislation for at least four years. Further time should resolve the disagreement. Vote 15-0. Rep. Sandra B. Keans for Public Works.

**HB 388-FN**, relative to New Hampshire Route 101A. **INEXPEDIENT TO LEGISLATE.**

The Department of Transportation has been working on this 101A bypass for two years doing environmental impact studies which are necessary to satisfy the federal requirements. The Committee is confident that improvements will be started in a reasonable time and will satisfy the majority of people in the area. Vote 15-0. Rep. Sandra B. Keans for Public Works.

**HB 600-FN**, providing additional protection to historic boundaries. **INEXPEDIENT TO LEGISLATE.**

The protection asked for in this bill is covered by current Department of Transportation policy which states that the landmarks in question such as stone walls and monuments must first be avoided and; if that's not possible, to be set back and reconstructed. The Committee feels that the Department of Transportation policy is working well. Vote 11-4. Rep. David K. Wheeler for Public Works.

**HB 688**, relative to the Mount Washington Regional and the Berlin Municipal Airports. **OUGHT TO PASS.**

This bill redesignates the use of \$200,000 which was appropriated in 1989, but not spent, to the Department of Transportation for the Mount Washington Regional Airport in Whitefield and for the Berlin Municipal Airport. It extends the lapse date to June 30, 1993. Vote 12-0. Rep. Dennis J. Kilbride for Public Works.

Referred to Appropriations.

**HB 700-FN**, relative to highway planning corridors. **OUGHT TO PASS.**

This bill authorizes state and local units of government to create highway planning corridors within which public highways are to be designed, and laid out in the near future, and to impose temporary development restriction upon land within such corridors. Vote 11-0. Rep. Beaton Marsh for Public Works.

**HB 761-FN**, transferring ownership of certain state land. **OUGHT TO PASS WITH AMENDMENT.**

The amendment provides that subject to approval of Governor and Council, Bancroft Products, Inc. may lease from New Hampshire Hospital the land and buildings on the easterly side of Iron Works Road in Concord, New Hampshire, currently occupied by Bancroft Products, Inc. Such lease shall be for no more than one (1) dollar per year and shall require that Bancroft Products meet all expenses of maintenance and operation of the facility and operate in compliance with the requirements of RSA 275-C. Vote 15-0. Rep. Peter M. Stio for Public Works.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to leasing certain state land.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes the significant contribution that Bancroft Products, Inc. has made to the state of New Hampshire and to its political subdivisions. Bancroft Products, Inc. assists unemployed and underemployed adults through its vocational services and employment opportunities to obtain and maintain optimal independence and to function socio-economically in the community.

The general court notes that Bancroft Products, Inc. has spent in excess of \$500,000 in capital improvements to the facility which is currently leased from the state of New Hampshire.

**2 Lease of Property: Termination of Lease.**

I. Subject to approval of governor and council, Bancroft Products, Inc. may lease from New Hampshire hospital the land and buildings on the easterly side of Iron Works Road in Concord, New Hampshire currently occupied by Bancroft Products, Inc. Such lease shall be for no more than \$1 per year and shall require that Bancroft Products, Inc. meet all expenses of maintenance and operation of the facility and operate in compliance with the requirements of RSA 275-C.

II. New Hampshire hospital may terminate the lease with Bancroft Products, Inc. by providing at least a one-year notice, or by providing 30 days' notice if Bancroft Products, Inc. fails to use the facility to provide services to unemployed and underemployed adults.

**3 Effective Date.** This act shall take effect July 1, 1991.

**AMENDED ANALYSIS**

This bill authorizes the New Hampshire hospital to lease to Bancroft Products, Inc. certain land and buildings on Iron Works Road in Concord, New Hampshire for a sum not to exceed \$1 per year. The bill provides that if Bancroft Products, Inc. no longer provide services to its clients, the lease of such property shall be terminated by a 30-day notice from the hospital.

**HB 765-FN**, requiring the state to pay the city of Concord for services rendered for fire and police coverage. **INEXPEDIENT TO LEGISLATE.**

The Committee listened to considerable testimony relative to the state reimbursing the city of Concord for fire and police services. If this bill were to become law, the city of Concord would submit estimated costs of services to each department, with actual billing for services to begin on July 1, 1993. The Committee felt that the city should submit estimated bills and be able to arrive at a more definitive cost to the state before pursuing legislation. The state presently pays the city for false alarms in accordance with city regulations. Vote 13-2. Rep. Gene G. Chandler for Public Works.

**HB 210-FN**, creating a committee to study artificial impoundments. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, creates a committee to study the status of artificial impoundments to determine if the statutes that govern great ponds should include artificial impoundments. Under current law an artificial impoundment of 200 or 300 acres may not be subject to state regulation as a great pond. Vote 12-0. Rep. John B. Young for Resources, Recreation and Development.

**Amendment**

Amend the bill by replacing sections 2 and 3 with the following:

**2 Study Required.** The primary duty of the committee shall be to study the status of artificial impoundments and to determine whether or not there should be changes in the statutes that govern great ponds to include artificial impoundments.

**3 Report.** The committee shall submit a report of its findings, including recommendations for legislation, to the speaker of the house, the senate president, and the governor, on or before November 1, 1991.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

**HB 240**, restricting the use of shorefront waters. **OUGHT TO PASS WITH AMENDMENT.**

The subject matter covered in HB 240 is now included in HB 293. With the sponsor's consent, the Committee "stripped" HB 240 and used the bill number to further amplify the protection of the Kona Wildlife Management Area, articulated in HJR 2.

As amended, HB 240 adds the Kona Wildlife Management Area in Moultonborough to RSA 219-A, which is a list of state-owned land that shall not be disposed of without permission of the Legislature. The Committee hopes that this action, together with the passage of HJR 2, will finally put to rest all questions concerning the disposition of Kona. Vote 12-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the disposition of the Kona Wildlife Management Area.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Kona Wildlife Management Area Added. Amend RSA 219-A:2 by inserting after paragraph XIII the following new paragraph:

XIV. Kona Wildlife Management area, consisting of approximately 320 acres in the town of Moultonboro.

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill adds the Kona Wildlife Management area to the list of public lands that are owned and retained by the state.

**HB 351**, relative to personal flotation devices for sailboards. **OUGHT TO PASS WITH AMENDMENT.**

Although the Committee initially was skeptical about this legislation, impressive testimony from the sponsors as well as novice and expert sailboarders convinced the Committee that the decision to wear a personal flotation device (PFD) is best made by the sailboarder. Only a handful of states still have this law on the books, as the evolution of the sport shows that PFDs can do more harm than good. The amendment formally defines "sailboard" and instructs the Department of Safety to report back to the Legislature on the effect of this act. Vote 11-2. Rep. Steven R. Maviglio for Resources, Recreation and Development.

#### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Sailboards. Amend RSA 270 by inserting after section 30-b the following new section:

270:30-c Sailboards. Notwithstanding any other provision of law except RSA 270:30-a, sailboards shall not be required to be equipped with personal flotation devices, and persons on sailboards shall not be required to wear these devices or to have them readily available. For the purposes of this section, "sailboard" means any unsinkable surfboard with a free-falling mast, sail and boom attached by means of a



swivel or flexible universal joint to the hull, which free falling mast, sail and boom are supported by the sailor in use and act as a sea anchor when released.

2 Report Required. The department of safety shall submit a report on the effect of this act, including the number of reported accidents, on or before November 1, 1992, to the speaker of the house and the president of the senate.

3 Effective Date. This act shall take effect upon its passage.

**HB 357-FN**, establishing a fee for administering the state water pollution control revolving loan fund. RE-REFER TO COMMITTEE.

HB 357 is re-referred to the 1992 session so that the Department of Environmental Services will have an opportunity to work with the Resources, Recreation and Development Committee to develop appropriate interest rates and administrative fees to be charged for loans and services rendered under the New Hampshire Water Pollution Control Revolving Loan Fund. The Committee has become convinced that the policy committee should not abrogate its rights to establish fee levels charged for administrative expenses. Hopefully, by November 1, 1991, the Department of Environmental Services will have determined what its administrative expenses are and what level of dedicated funds will be necessary. Vote 12-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

**HB 505-FN**, relative to the distribution of the normal yield tax. RE-REFER TO COMMITTEE.

The Committee wishes to re-refer HB 505 because it believes that the only way to ensure fire safety during periods of high fire danger is with manned fire towers. Since 1978, the general fund has been paying for this public service. Cutting this funding from the budget in the summer of 1990 was foolish. New Hampshire forests are critical to tourism and the forest industries which rank first and third as a source of employment and income for the state. Failure to properly fund forest fire protection strikes at the very heart of what New Hampshire represents. How many of you remember the Brownfield Burn and the Ossipee Mountain fire in the late forties? The proper funding of this program is a high priority item for the Committee on Resources, Recreation and Development. Vote 12-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

**HB 512-FN**, relative to the city of Concord's rights to draw water from the Contoocook River. INEXPEDIENT TO LEGISLATE.

The Assistant Commissioner of the Department of Environmental Services, in his testimony, pointed out that permission for water withdrawals from the Contoocook River by the city of Concord is already in the statutes and the bill is redundant. A copy of the law was furnished to the Committee. Vote 12-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

**HB 578**, establishing an advisory committee on Governors state park in Laconia. OUGHT TO PASS WITH AMENDMENT.

This legislation sets up an advisory committee to assist the Department of Resources and Economic Development in designing Governors State Park on the former Laconia State School grounds on Lake Winnisquam in Laconia. The amendment adds a representative from the greater Laconia/Weirs Beach Chamber of Commerce. Vote 14-0. Rep. Steven R. Maviglio for Resources, Recreation and Development.

### Amendment

Amend RSA 216-H:5, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Representatives of the following organizations, appointed by the governor:

- (1) One elected public official from the town of Belmont.
- (2) One elected public official from the town of Sanbornton.
- (3) One elected public official from the town of Meredith.
- (4) One elected public official from the town of Tilton.
- (5) One elected public official from the city of Laconia.
- (6) One member of the Lake Winnisquam Association.
- (7) One member of the Sanbornton Bay Association.
- (8) One member of the Lakes Region Planning Commission.
- (9) One member of the Greater Laconia/Weirs Beach Chamber of Commerce.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 609-FN**, relative to mountain ridge protection. INEXPEDIENT TO LEGISLATE.

To protect mountain ridges over a certain height from overdevelopment, this bill would require municipalities to follow certain guidelines or to adopt a protection ordinance. While the Committee shares the concern for the protection of important ridges from inappropriate development, it feels that regulation can be handled at the local level with the planning and zoning authority of the towns. Vote 12-0. Rep. Barbara A. Upton for Resources, Recreation and Development.

**HB 745-FN**, relative to sewage disposal systems. OUGHT TO PASS WITH AMENDMENT.

Thousands of sellers of real estate have been in violation of an obscure statute requiring the seller to transfer to the buyer all pertinent information relative to the septic system. The existing statute had two flaws; the first being that it was buried in the Water Laws rather than being located in the Real Estate Law where it would have been noticed. Secondly, most information relative to a property's septic system is generally hand-me-down hearsay or outright myth. This bill deletes the unenforced existing statute, replaces it by recording a reference to the approved and installed septic system as an addendum to the deed and places a cross-reference into the Real Estate Law. Vote 12-0. Rep. Donald L. Roulston for Resources, Recreation and Development.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Notification Required; Subsurface Disposal Systems. Amend RSA 477 by inserting after section 4-a the following new section:

477:4-b Notification Required; Subsurface Disposal Systems. Any person seeking to obtain approval for a subsurface sewage disposal system shall meet the requirements set forth in RSA 485-A:29 and 30.

2 Approval for Operation Numbers. RSA 485-A:29, II is repealed and reenacted to read as follows:

II. Approval for operation numbers shall be recorded by the division with the registry of deeds in each county for each system. Permitted designers of subsurface

sewage disposal systems shall obtain the registry of deeds volume and page numbers for each lot that relates to the septic system application and provide them to the division. The division shall develop and approve an outline of brief instructions for the periodic maintenance, care and proper usage of waste disposal systems, including a warning of the potential public health hazard and pollution of public and private water supplies and surface water of the state from improperly maintained sewage and waste disposal systems.

3 Fees. Amend RSA 485-A:30 to read as follows:

485-A:30 Fees.

*I. Any person submitting plans and specifications for a subdivision of land shall pay to the division a fee of \$80 per lot. Said fee shall be for reviewing such plans and specifications and making site inspections. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the division a fee of \$80 for each system. Said fee shall be for reviewing such plans and specifications, making site inspections, and for the administration of sludge and septage management programs. The fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited with the treasurer as unrestricted revenue. For the purposes of this paragraph, the term "lot" shall not include tent sites or travel trailer sites in recreational parks which are operated on a seasonal basis for not more than 9 months per year.*

*II. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the division a fee for each system for recording the approval for operation number with the registry of deeds and for handling costs. Such fee shall be the same as that established by the registry of deeds for the recording of such documents. All fees collected under this section shall be deposited with the state treasurer and reserved in a special non-lapsing sewage disposal system fund which shall be continually appropriated to the division to be used for the administration of this section.*

4 New Subparagraph; Application of Receipts; Sewage Disposal System Fund. Amend RSA 6:12, I by inserting after subparagraph (mm) the following new subparagraph:

(nn) Money received under RSA 485-A:30, II, which shall be credited to the sewage disposal system fund.

5 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill requires the division of water supply and pollution control to record approvals of sewage or waste disposal systems with the registry of deeds. Any person submitting plans and specifications for sewage or waste disposal systems shall pay the division a fee for recording and handling costs. These fees shall be deposited in a special fund which is continually appropriated to the division.

Referred to Appropriations.

**HB 440**, relative to cable television franchises. INEXPEDIENT TO LEGISLATE.

HB 440 would apply pressure on all New Hampshire cable TV systems to carry all New Hampshire TV stations on their lower 12 channels (2-13). This bill appears to be in response to a disagreement between Channel 60 in Merrimack and certain cable franchises. The Committee believes this is a local issue and one that does not require a legislative solution. Vote 10-0. Rep. Charles C. Vogler for Science, Technology and Energy.

**HB 484-FN**, relative to when electric companies are public utilities and affiliates of public utilities. **OUGHT TO PASS WITH AMENDMENT.**

This bill allows municipal electric companies to supply electric customers beyond their municipal boundaries without the necessity of becoming a "Public Utility" subject to the control of the Public Utilities Commission. Vote 10-0. Rep. Thomas E.P. Rice for Science, Technology and Energy.

#### **Amendment**

Amend the bill by replacing section 1 with the following:

1 New Section: Electric Companies, When Public Utilities. Amend RSA 362 by inserting after section 4 the following new section:

362:4-a Electric Companies, When Public Utilities.

I. A municipal corporation furnishing electric utility services outside its municipal boundaries shall not be considered a public utility under this title for the purpose of accounting, reporting, or auditing functions with respect to said service.

II. A municipal corporation furnishing electric utility services shall not be considered a public utility under this title if it serves customers outside of its municipal boundaries and charges such customers a rate no higher than that charged to its customers within the municipality, and provides those customers a quantity and quality of electricity equal to that served customers within the municipality. Nothing in this section shall exempt a municipal corporation from the franchise application requirements of RSA 374.

#### **AMENDED ANALYSIS**

This bill specifies that a municipal corporation furnishing electricity outside its municipal boundaries is not considered a public utility for certain purposes. A municipal corporation shall not be considered a public utility if it serves customers outside of its municipal boundaries and charges such customers a rate no higher than those charged to its customers within the municipality, and those customers are served a quantity and quality of electricity equal to that served to customers within the municipality.

The bill also enlarges the definition of "affiliate" in relation to public utilities.

**HB 362-FN**, establishing the northeast conservation law enforcement compact. **OUGHT TO PASS.**

The Committee strongly supports this legislation as a positive step towards establishing interstate cooperation in the enforcement of wildlife laws. Modeled after the New England State Police Compact, the Conservation Law Compact would facilitate mutual assistance among the northeastern states by exchanging personnel and equipment, and by creating a system to identify interstate commercial wildlife violators. Vote 14-0. Rep. Mary P. Chambers for State-Federal Relations.

**HB 151-FN**, establishing a committee to study the use and preservation of the buildings and grounds at the state hospital. **INEXPEDIENT TO LEGISLATE.**

The body of this bill has been merged into HB 219. Vote 12-0. Rep. Scott E. Green for State Institutions and Housing.

**HB 284**, relative to leases for tenants of manufactured housing parks. **INEXPEDIENT TO LEGISLATE.**

Both sides on this issue said that they preferred legislation on rental agreements rather than lease agreements. Vote 10-0. Rep. Scott E. Green for State Institutions and Housing.



**HB 368-FN**, naming the Parker L. Hancock building of the New Hampshire state prison. OUGHT TO PASS.

With great pleasure, the entire Committee voted to pass this bill. Parker L. Hancock gave of his time, his expertise, his vast knowledge to the penal system of the State of New Hampshire. His devotion to his work and his dedication to all peoples of the state is little recognized by the simple act of naming a state building after this honorable man. The FN calls for state expenditures of \$500 in FY'91. Vote 11-0. Rep. Lowell D. Apple for State Institutions and Housing.

**HB 335**, relative to license plates for antique motor cars. OUGHT TO PASS WITH AMENDMENT.

This bill allows antique motor vehicles to display registration plates issued the same year that the antique motor vehicle was manufactured provided the vehicle carries within it a valid antique motor car registration and a permit issued by the Director. Vote 12-0. Rep. Kenneth W. Malcolm for Transportation.

#### Amendment

Amend RSA 261:89-a as inserted by section 1 of the bill be replacing it with the following:

261:89-a Antique Motor Car Plates. The director may permit the owner of an antique motor car, as defined in RSA 259:4, to use a registration plate which was issued in the same year that the antique motor car was manufactured, provided the owner obtains a permit issued pursuant to this section stating that the date of manufacture was 1942 or earlier, the motor car is registered as an antique motor car under this chapter, and the number of the antique plate is recorded with the director. Any antique motor car bearing a registration plate with the year of manufacture shall also carry, within it, a valid antique motor car registration certificate and a permit issued under this section. The registration plate from 1942 or earlier shall be affixed to the front of the antique motor car. The registration plate matching the registration certificate shall be affixed to the rear of the antique motor car.

Amend the bill by replacing section 3 with the following:

3 New Subparagraph; Rulemaking; Antique Motor Car Registration Plates Permits. Amend RSA 21-P:14, III by inserting after subparagraph (hh) the following new subparagraph:

(ii) Permits for the use of antique motor car registration plates, as authorized by RSA 261:89-a.

**HB 382-FN**, relative to license plates for firefighters. INEXPEDIENT TO LEGISLATE.

No firefighters showed up to testify for or against this bill. Only one person testified in favor. The Committee felt that this special plate is not necessary and would really not serve any useful purpose. Vote 12-0. Rep. Carl S. Adams for Transportation.

**HB 419**, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton. OUGHT TO PASS.

This bill, as last year, was voted Ought to Pass. Considering the unique features of this pond, both the House and the Senate passed this bill last year, but it was lost among its amendments during the Committee of Conference. Vote 17-0. Rep. George N. Katsakiores for Transportation.

**HB 468-FN**, prohibiting the enforcement of motor vehicle laws by off-duty police in their personal vehicles and by police in unmarked vehicles. INEXPEDIENT TO LEGISLATE.

This bill would prohibit enforcement of motor vehicle laws using unmarked vehicles or by off-duty police personnel. The Committee feels that the standard operating procedures of the the police departments cover this bill. Vote 15-1. Rep. Gordon E. Bartlett for Transportation.

**HB 518-FN**, relative to motor vehicle and boat registration revocations for court defaults and relative to the payment of court obligations. RE-REFER TO COMMITTEE.

This bill has serious questions of law. A similar Senate Bill has been passed and will come before the Transportation Committee. The Committee feels this bill has many good points and asks that it be re-referred to the Committee. Vote 16-2. Rep. Sherman A. Packard for Transportation.

**HB 543-FN**, relative to motor fuel quality. INEXPEDIENT TO LEGISLATE.

This bill creates an inspection and testing program and funds a laboratory for this purpose. The Committee feels that the cost to implement this bill is not warranted at this time. Vote 15-0. Rep. Gordon E. Bartlett for Transportation.

**HB 719-FN**, establishing an assessment on DWI-related license restorations. INEXPEDIENT TO LEGISLATE.

The Committee felt that this issue was already properly addressed in RSA 263:42, V, where there is a \$40 reinstatement fee ordered in cases where a driver's license has been suspended or revoked for more than 15 days. Therefore, this placed an extra burden on an already heavily penalized segment of society. Vote 15-0. Rep. Andrew Christie, Jr. for Transportation.

**HB 315-FN**, imposing a \$25 filing fee under the timber tax. INEXPEDIENT TO LEGISLATE.

The Committee opposes this additional fee which would provide funding for a Department of Revenue Administration position related to the Timber Tax. Testimony was presented that such a fee could discourage compliance with the Timber Tax Laws. Vote 16-0. Rep. Douglass P. Teschner for Ways and Means.

### **(Rep. Gross in the Chair) PRESENTATION**

By the House Committee on Appropriations:

Rep. Hager, Chairman of the Appropriations Committee, recognized the members of the Committee and gave an explanation of the House budget document. She then described the method the Committee is taking in drafting the budget for 1992. HB 25 will contain spending within the amount of the revenues estimated by the Ways and Means Committee based on taxes currently in the statutes for the fiscal year 1992. HB 26 will contain the remaining state programs and obligations for which the Committee believes revenues should be raised.

Reps. Channing Brown, LaMott and Douglas Hall, Chairmen of the Appropriations Subcommittees, reviewed the programs and cuts that are being considered in drafting of HBs 25 and 26.

The Committee members yielded to questions.

**(Speaker Burns in the Chair)**  
**REGULAR CALENDAR**

**HB 331-FN**, establishing a legislative oversight committee on children. **OUGHT TO PASS WITH AMENDMENT.**

This bill was filed as a result of the HB 262, Chapter 395, Laws of 1990 study committee. It has unanimous support of the Committee and the Division for Children and Youth Services and it is felt that it will increase cooperation between DCYS, legislators and the public. Vote 15-0. Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice.

**Amendment**

Amend RSA 17-P:2, I(i) as inserted by section 1 of the bill by replacing it with the following:

(i) One member of the public advisory board, appointed by the public advisory board.

Amend the bill by replacing section 2 with the following:

2 Initial Appointment. In order to effect staggered terms, the initial appointments by the governor and council and the public advisory board shall be as follows:

I. The district court judge and alternate shall be appointed to a 3-year term.

II. The attorney and alternate shall be appointed to a 2-year term.

III. The member of the public advisory board shall be appointed to a one-year term.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as section 4:

3 Board Established. There is hereby established a public advisory board consisting of one member from each of the following: the New Hampshire Police Chiefs' Association; the New Hampshire Police Association; the New Hampshire Association of Counties; and the New Hampshire Bar Association. The board may add members upon majority vote of the members of the legislative oversight committee on children. The board shall appoint one of its members to the legislative oversight committee on children as provided under RSA 17-P:2, I(i).

Adopted.

Rep. Gross offered a floor amendment.

**Floor Amendment**

Amend RSA 17-P:5 as inserted by section 1 of the bill by replacing it with the following:

17-P:5 Report. The committee shall submit a report on its findings and recommendations for legislation and administrative changes to the speaker of the house, the senate president, and the governor on or before November 1 of each year.

Adopted.

Report adopted.

Ordered to third reading.

**HB 711-FN**, extending the reporting date for the committee to study child care in public and private sector buildings. **OUGHT TO PASS.**

The Committee is in agreement that reporting of the Committee to Study Child Care in Public and Private Sector Buildings be extended to a time to be determined by

joint rules. Vote 15-0. Rep. Virginia K. Lovejoy for Children, Youth and Juvenile Justice.

Adopted.

Rep. Gross offered a floor amendment.

#### **Floor Amendment**

Amend the bill by replacing section 1 with the following:

1 Reporting Date Extended. Amend 1990, 55:5 to read as follows:

55:5 Report. The committee shall make a report of its findings and recommendations, including any proposed legislation, to the speaker of the house and the president of the senate [in such a timely manner as to allow for the proper filing of proposed legislation in accordance with any appropriate legislative request filing deadlines as established by the Joint Rules for the 1991 legislative session] **no later than November 1, 1991.**

#### **AMENDED ANALYSIS**

The committee to study child care in public and private sector buildings is required to make a report of its findings for the 1991 legislative session. This bill extends that reporting date to November 1, 1991.

Adopted.

Ordered to third reading.

**HB 59-FN**, establishing a moratorium on private correctional facilities and creating a private prison task force. **INEXPEDIENT TO LEGISLATE.**

At least one county is talking about a joint venture to build a private correctional facility. This is not a new idea nationwide. Current negotiations would in no way bypass the need for local planning board approval. The Committee heard no testimony that would indicate a valid need for this legislation. Vote 15-0. Rep. Sandra B. Keans for Public Works.

Adopted.

**HB 219-FN**, establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital for certain state offices. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 151 and HB 219 have been merged with the consent of the sponsor. The Committee believes it to be in the best interest to restudy these buildings. Vote 12-0. Rep. Leon Calawa, Jr. for State Institutions and Housing.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a committee to study the economic feasibility of utilizing  
vacant space at the New Hampshire hospital, including the  
Walker building, for certain state offices.

Amend the bill by replacing section 1 with the following:

1 Committee Established; Purpose. A committee is hereby established to study whether it is economically feasible for state offices, currently in rental or state-owned office space, to utilize vacant space at the New Hampshire hospital, including the Walker building, and whether it would be economical and a more efficient use of space to restore and rehabilitate buildings now in use at the New Hampshire hospital.



The committee may consult with individuals and organizations having an interest and an expertise in the areas which the committee studies.

Amend the bill by replacing section 2 with the following:

2 Membership. The committee shall consist of the following:

I. Two members of the house, appointed by the speaker of the house. One of the members shall be from the house appropriations committee and one shall have experience in construction or renovation.

II. Two members of the senate, appointed by the president of the senate. One of the members shall have experience in the field of business.

III. The commissioner of the department of Health and Human Services, or designee.

IV. Two state employees, appointed by the governor. One state employee shall have knowledge of space utilization and the other shall have professional experience in construction and renovation.

V. One member of the New Hampshire Historical Society, appointed by the governor.

VI. Two members of the general public, appointed by the governor. One member of the general public shall have professional experience in renovation and the other shall be an architect.

Adopted.

Rep. Gross offered a floor amendment.

#### **Floor Amendment**

Amend the bill by replacing section 4 with the following:

4 Committee Report. The study committee shall submit a report on its findings, including recommendations for legislative or executive action, to the speaker of the house, president of the senate, and the governor no later than November 1, 1991.

Adopted.

Ordered to third reading.

#### **RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 7, 1991 at 1:00 p.m.

Adopted.

#### **LATE SESSION**

##### **Third reading and final passage**

**HB 436-FN**, making the purchase, possession, and control of child pornography a misdemeanor.

**HB 696-FN**, relative to penalties for the sale and distribution of tobacco products to minors.

**HB 454**, relative to safe deposit boxes.

**HB 525-FN**, relative to appealing recounts in town elections.

**HB 532**, relative to the color of ballots used in municipal elections.

**HB 364-FN**, relative to the opening and closing of deer season.

**HB 703-FN**, relative to the negligent discharge of firearms.

**HB 319-FN**, establishing a committee on access to health care.

**HB 478-FN**, relative to the emergency shelter program.

**HB 170-FN**, to provide immunity to the board of examiners of psychologists, its agents, investigators, and employees against civil actions resulting from disciplinary investigations and proceedings.

**HB 183-FN**, relative to the imposition of fines for securities violations.

**HB 184-FN**, relative to civil penalties for securities violations.

**HB 327-FN**, relative to the disposal of state-owned real estate.

**HB 372-FN**, relative to further protection of scenic roads in municipalities and the removal of trees posing a safety hazard.

**HB 700-FN**, relative to highway planning corridors.

**HB 761-FN**, relative to leasing certain state land.

**HB 210-FN**, creating a committee to study artificial impoundments.

**HB 240**, relative to the disposition of the Kona Wildlife Management Area.

**HB 351**, relative to personal flotation devices for sailboards.

**HB 578**, establishing an advisory committee on Governors state park in Laconia.

**HB 484-FN**, relative to when electric companies are public utilities and affiliates of public utilities.

**HB 362-FN**, establishing the northeast conservation law enforcement compact.

**HB 368-FN**, naming the Parker L. Hancock building of the New Hampshire state prison.

**HB 335**, relative to license plates for antique motor cars.

**HB 419**, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton.

**HB 331-FN**, establishing a legislative oversight committee on children.

**HB 711-FN**, extending the reporting date for the committee to study child care in public and private sector buildings.

**HB 219-FN**, establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital, including the Walker building, for certain state offices.

Rep. Michael Hill moved that the House adjourn.  
Adopted.

The House adjourned at 3:30 p.m.

**HOUSE JOURNAL No. 10**

Thursday, March 7, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairsto.

Eternal God, under whose care generation follows upon generation, grant that we who are privileged to live and to serve in this time may be ever mindful of the generations that will follow. Give to all who serve in this House, we pray, a sense of all the good future can hold for their children and grandchildren if they act wisely in the present. So grant to each member the desire and the insight to shape a government that will well serve not only today's citizens, but those of future generations as well. Amen.

Rep. Ferguson led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Laurent Boucher, Walsh, Wihby, Eugene Clark, Anderson, Flanagan, Leclerc, Parr, Eugene Gagnon, Domini, Swope, Romeo Jean, Feuerstein, Bernard, C. Fitzgerald Buckley and Elliott, the day, illness.

Reps. Kincaid, Ralph Torr, Goulet, Daly, David Young (military service), Steiner, Palazzo, Harland and Bell, the day, important business.

Rep. Chase, the day, death in the family.

Reps. Hoelzel, Metzger, Rice and Doucette, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Joan Rosen, wife of Rep. Rosen.

**EXTENSIONS**

The Committee on Executive Departments and Administration requested a two-calendar-day extension on HB 62, relative to retirement allowances under the New Hampshire retirement system.

The Committee on Executive Departments and Administration requested a two-calendar-day extension on HB 161, to allow former federal employees to purchase credit for their federal services as creditable service in the New Hampshire retirement system.

The Committee on Executive Departments and Administration requested a two-calendar-day extension on HB 317, relative to a minimum service retirement allowance for group II members.

The Committee on Executive Departments and Administration requested a two-calendar-day extension on HB 549, relative to early retirement for group I members of the retirement system.

Granted.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 784, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 784**, creating a long-range construction program for New Hampshire's highways and highway bridges. (Marsh of Coos 1 - To Public Works)

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Hill moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 424**, relative to the qualifications for a state representative to hold office, was removed at the request of Rep. Vaughn.

**HB 281**, establishing a fund for interpreter services for the hearing impaired and making an appropriation therefor, was removed at the request of Rep. Hager.

**HB 367**, relative to the profession of engineering, was removed at the request of Rep. Kidder.

**HB 408**, relative to the administration of the New Hampshire retirement system, was removed at the request of Rep. Scott Green.

**HB 506**, relative to cost-of-living increases in the AFDC standard of need, was removed at the request of Rep. Robert Foster.

**HB 268**, relative to drug-free truck stops and rest areas, was removed at the request of Rep. Pantelakos.

**HB 601**, establishing a public access advisory board and a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program, was removed at the request of Rep. Dickinson.

**HB 620**, relative to the transportation of alcohol in open containers, was removed at the request of Rep. Jasper.

**HB 231**, to repeal the increase in the rates of certain state taxes, was removed at the request of Rep. Frances Riley.

Consent Calendar adopted.

**HB 63-FN**, relative to mental health insurance benefits. **INEXPEDIENT TO LEGISLATE**.

This bill was to establish a legislative study committee on mental health insurance contracts. The bill was requested by the Governor's Office and was flawed in the date for reporting and not needed at this time. Vote 15-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

**HB 189**, relative to the rulemaking authority of the director of the office of securities regulation. **OUGHT TO PASS WITH AMENDMENT**.

This bill extends the date of expiration of the rulemaking authority of the Director of the Office of Securities Regulation from July 1, 1991 to July 1, 1993. Vote 12-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

**Amendment**

Amend RSA 400-A:51 as inserted by section 1 of the bill by replacing it with the following:

400-A:51 Rulemaking Authority.

[I.] The director shall adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to carry out properly the functions and responsibilities assigned the office of securities regulation under the laws of the state. This rulemaking authority shall expire on July 1, [1991] **1993**, at which time this [para-



graph] *section*, unless replaced by a later legislative enactment, shall be deemed repealed. Notwithstanding this [paragraph] *section*, the adoption of rules for the office of investigations shall be governed by RSA 400-A:51, II. *Any rules adopted under this section shall be drafted in as narrow a manner as possible, consistent with the authority granted the office under the laws of the state.*

[II. In consultation with and subject to the approval of the attorney general, the director shall adopt rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order for the chief investigator to carry out properly the functions and responsibilities assigned the office of investigations under the laws of the state. This rulemaking authority shall expire on July 1, 1991, at which time this paragraph, unless replaced by a later legislative enactment, shall be deemed repealed.

III. Prior to January 1, 1991, the director shall present proposed legislation containing a specific delegation of rulemaking authority to replace this section to the chairman of the joint legislative committee on administrative rules established under RSA 541-A and to the senate president and the speaker of the house of representatives, who may refer such proposed legislation to the appropriate standing committees. This proposed legislative delegation of rulemaking authority shall be drafted in as narrow a manner as possible, consistent with the need to provide the director with sufficient authority to fulfill the regulatory role assigned to him under this subdivision and other laws of the state.]

**HB 313**, relative to conversion between mutual savings banks, cooperative banks, building and loan associations, guaranty savings banks, savings and loan associations, and commercial banks and trust companies. OUGHT TO PASS WITH AMENDMENT.

This bill, requested by the Banking Department, establishes procedures for conversion between various forms of banking institutions, i.e., mutual savings banks, cooperative banks, and commercial banks. Vote 12-0. Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend RSA 389-A:1 as inserted by section 2 of the bill by replacing it with the following:

389-A:1 Procedure for Conversion. A mutual savings bank, *cooperative bank, building and loan association, savings and loan association, guaranty savings bank, commercial bank or trust company* may convert into a building and loan association [or], cooperative bank [and a building and loan association or cooperative bank may convert into a mutual savings bank], *mutual savings bank, savings and loan association, guaranty savings bank, commercial bank or trust company* as provided in this chapter. *Notwithstanding the provisions of this section a mutual savings bank, cooperative bank, building and loan association or savings and loan association which converts to a commercial bank or trust company charter shall retain its status as a mutual institution, unless such converted mutual institution chooses to convert to stock form pursuant to the provisions of RSA 386:10, II; RSA 394-A:10; or RSA 386-B.* The converting institution shall be granted a new certificate of incorporation, in amendment of its pre-existing charter or certificate of incorporation, if the bank commissioner finds that the converting institution meets the standards (or their substantial equivalent) as to capital structure and business experience of management, prescribed for the incorporation of a mutual savings bank [or a], building and loan association, *cooperative bank, savings and loan association, guaranty*

*savings bank, commercial bank or trust company*, as the case may be. No such conversion shall be approved unless it has first been ratified by the affirmative vote of a majority of the votes cast at an annual or special meeting of the members or shareholders with voting rights in the converting institution called to consider such action and unless the converting institution has first notified by mail all its depositors or shareholders without voting rights of the proposed conversion.

**HB 314**, relative to confidentiality of cease and desist orders and memoranda of understanding issued by the banking department and of reports submitted to the banking department. **INEXPEDIENT TO LEGISLATE**.

A Committee review of Federal Deposit Insurance Corporation (FDIC) rules and prevailing guidance in RSA 383:106 negates the need for additional legislation. Vote 16-0. Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs.

**HB 411**, relative to discrimination in the issuance of health insurance policies. **REFER TO COMMITTEE**.

This bill is being re-referred to the Committee because it wishes to study the content of the bill. There are two additional bills dealing with reform to the small employer health insurance market. The Committee wants to examine this issue as part of the broader issue and plans to bring in a comprehensive bill in 1992. Vote 14-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

**HB 414**, relative to unfair claim settlement practices. **OUGHT TO PASS WITH AMENDMENT**.

This bill, as requested by the Insurance Department, clarifies unfair claim settlement practices so as not to include accidental mistakes by the insurance company. Vote 16-1. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

#### **Amendment**

Amend RSA 417:4, XV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Any of the following acts by an insurer, if committed without just cause and [performed with such frequency as to indicate a general business practice] *not merely inadvertently or accidentally*, shall constitute unfair claim settlement practices:

**HB 539-FN-A**, relative to a committee to study the uninsurable and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**.

This bill simply addressed the need for study of the problem of those in New Hampshire denied health insurance because of past medical history or family medical history. General support was voiced for the bill. Vote 14-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

#### **Amendment**

Amend the bill by replacing section 6 with the following:

6 Appropriation. The sum of \$50,000 for the fiscal year ending June 30, 1992, is hereby appropriated to the insurance department for the purposes of section 4 of this act. Said appropriation shall be charged against the commissioner's administration fund established in RSA 400-A:39.

Referred to Appropriations.

**HB 637-FN**, relative to insurance fraud. OUGHT TO PASS WITH AMENDMENT.

This bill incorporates insurance fraud into the Criminal Code as a Class A, Class B, or Misdemeanor based on the value of the fraudulent portion of the claim. Vote 13-1. Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Insurance Fraud. Amend RSA 638 by inserting after section 19 the following new subdivision:

#### Insurance Fraud

638:20 Insurance Fraud.

I. For the purposes of this section, "statement" includes, but is not limited to, any notice, statement, proof of loss, bill of lading, receipt of payment, invoice, account, estimate of property damages, bill for service, diagnosis, prescription, hospital or doctor records, x-rays, test results, or other evidence of loss, injury or expense.

II. A person is guilty of insurance fraud, if, *with a purpose to injure*, defraud or deceive any insurance company, the person presents or causes to be presented to any insurer, any written or *oral* statement including computer-generated documents as part of, or in support of, a claim for payment or other benefit pursuant to an insurance policy, knowing that such statement contains any false, incomplete or misleading information concerning any fact or thing material to such claim.

III. A person is guilty as an accomplice to insurance fraud if, with a purpose to injure, defraud or deceive any insurance company, the person assists, abets, solicits or conspires with another to prepare or make any written or oral statement that is intended to be presented to any insurance company in connection with, or in support of, any claim for payment or other benefit pursuant to an insurance policy, knowing that such statement contains any false, incomplete or misleading information concerning any fact or thing material to such claim.

IV.(a) Insurance fraud is:

(1) A class A felony if the value of the fraudulent portion of the claim for payment or other benefit pursuant to an insurance policy is more than \$1,000.

(2) A class B felony if the value of the fraudulent portion of the claim for payment or other benefit pursuant to an insurance policy is more than \$500, but not more than \$1,000.

(3) A misdemeanor in all other cases.

(b) The value shall be determined according to the provisions of RSA 637:2, V.

2 New Section; Insurance Fraud; Warning Notice. Amend RSA 402 by inserting after section 81 the following new section:

402:82 Warning Notice on Claim Forms. All insurance claim forms shall contain a statement that clearly states in substance the following: "any person who with a purpose to injure, defraud or deceive any insurance company, files a statement of claim containing any false, incomplete or misleading information, is subject to prosecution and punishment for insurance fraud, as provided in RSA 638:20." However, the lack of such a statement shall not constitute a defense against prosecution under RSA 638:20.

3 Effective Date. This act shall take effect January 1, 1992.

## AMENDED ANALYSIS

This bill establishes the crime of insurance fraud and establishes penalties for the commission of insurance fraud.

The bill also requires that all insurance claim forms contain a statement warning people of the consequences of insurance fraud.

**HB 748-FN**, relative to health insurance benefits for mental health admission to general hospitals. **INEXPEDIENT TO LEGISLATE**.

The sponsor of this bill has stated that the issue contained in this bill has been resolved. Vote 11-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

**HB 329-FN-A**, relative to the business corporations act and appropriating funds for certain administrative expenses to be reimbursed by fees. **OUGHT TO PASS WITH AMENDMENT**.

This bill allows the Secretary of State to impose reasonable fees for various information services. The amendment adds "(f) other information services" to Section 4 of the bill and makes it take effect on passage. Vote 12-0. Rep. LeRoy S. Dube for Constitutional and Statutory Revision.

## Amendment

Amend RSA 293-A:135, III as inserted by section 4 of the bill by inserting after subparagraph (e) the following new subparagraph:

(f) Other information services.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

**HB 537**, relative to elected county offices and the offices of executive councilor, state senator, and state representative. **INEXPEDIENT TO LEGISLATE**.

This bill would prohibit a person from filing for and holding any elected county office and the offices of Executive Councilor, State Senator, or State Representative at the same time. The Committee feels that it is best to leave the decision of how voters wish to choose their elected officials to the local voters. Vote 11-0. Rep. Paul R. White for Constitutional and Statutory Revision.

**HB 544**, relative to the time for hearing appeals before the ballot law commission and relative to appointing alternate ballot law commission members. **OUGHT TO PASS**.

This bill authorizes the Governor, with the advice and consent of the Council, to appoint two alternate members of the Ballot Law Commission. It also requires the Ballot Law Commission to meet in order to hear an appeal within seven days after the written appeal is filed. The Committee felt that having two alternate members would enable the Commissioners to act in a timely fashion on appeals. Vote 12-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

**HB 432**, relative to changing the dates for the annual school district meeting and for teacher notification from March to May. **INEXPEDIENT TO LEGISLATE**.

This bill would cause many complicating factors regarding time frames in respect to existing statutes including RSA 273-A, RSA 32 and RSA 189:14-a. It would also present problems in implementing budgets by July 1. Vote 20-0. Rep. Kathleen M. Hoelzel for Education.



**HR 13**, urging school districts to include in their curricula a minimum of 16 hours per year in instruction on alcohol and drug abuse prevention. **OUGHT TO PASS.**

This resolution expresses the belief that instruction regarding these serious social problems will be to the betterment of our future citizens. This is not a mandate, but a suggestion that encourages a recognition of the problems and hopes that efforts will be made to address them. It reenforces existing law that at least 16 hours each school year be given in alcohol and drug abuse prevention instruction. Vote 20-0. Rep. Nils H. Larson for Education.

**HB 153-FN**, to regulate the handling of manure, agricultural compost and chemical fertilizers. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 153 directs the Commissioner of Agriculture to establish "Best Management" practices for handling manure. Complaints will be investigated and a plan for alleviating any problems will be submitted. If remedial action is not taken, the Commissioner will notify the Department of Environmental Services. Vote 18-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

#### **Amendment**

Amend RSA 431:34 as inserted by section 1 of the bill by replacing it with the following:

431:34 Best Management Practices. In consultation with the agricultural advisory board, the commissioner of environmental services, the United States Soil Conservation Service, the New Hampshire agricultural experiment station, the university of New Hampshire cooperative extension service, and other appropriate agencies, the commissioner of agriculture shall identify and publish the best management practices for handling manure, agricultural compost, and chemical fertilizer. Such practices shall be based upon the best available research and scientific data so as to permit the maximum use of nutrient and soil conditioning values, while achieving the least possible adverse impact upon the environment or human, animal and plant health.

Amend RSA 431:35 as inserted by section 1 of the bill by replacing it with the following:

#### **431:35 Improper Manure Handling.**

I. The commissioner shall investigate complaints of improper handling of manure, agricultural compost, and chemical fertilizer, including but not limited to, complaints of improper storage and spreading. If the commissioner is able to identify the source of the improper handling and has reason to believe such handling is a nuisance caused by failure to use best management practices, the commissioner shall:

(a) Determine who is responsible for such handling.

(b) Determine the changes needed in handling to comply with best management practices.

(c) Notify, in writing, the person responsible of the findings and changes necessary to conform to best management practices.

(d) Require a plan for compliance if the corrections, under RSA 431:35, I(c), have not been made within 10 days after notification.

II. If the person responsible fails to implement the recommended changes, the commissioner shall notify the health officer of the municipality and the commissioner of environmental services, who shall take such action as their authority permits.

## AMENDED ANALYSIS

This bill requires the commissioner of agriculture to establish and publish best management practices for handling manure, agricultural compost and chemical fertilizer.

**HB 263-FN**, establishing a fee structure for used oil marketers. RE-REFER TO COMMITTEE.

Several pieces of legislation were introduced which would raise fees or levy new "taxes" to assist in funding the Department of Environmental Services. This is one of those bills. The Committee voted to re-refer this bill, as well as others, so that the Committee could study the impact of these "fees," their intended use, the current handling of funds already utilized by the Department, as well as, and most importantly, the current method through which the Department receives funds. Vote 18-0. Rep. Rick A. Trombly for Environment and Agriculture.

**HB 264-FN-A**, creating a nonlapsing, continually appropriated hazardous waste fund to be used for processing hazardous waste transporter permit applications and for monitoring compliance. RE-REFER TO COMMITTEE.

Several pieces of legislation were introduced which would raise fees or levy new "taxes" to assist in funding the Department of Environmental Services. This is one of those bills. The Committee voted to re-refer this bill, as well as others, so that the Committee could study the impact of these "fees," their intended use, the current handling of funds already utilized by the Department, as well as, and most importantly, the current method through which the Department receives funds. Vote 18-0. Rep. Rick A. Trombly for Environment and Agriculture.

**HB 280-FN**, relative to motor vehicle emissions control requirements for carbon monoxide and hydrocarbons. RE-REFER TO COMMITTEE.

The Committee agreed with the Department of Environmental Services that this bill should be re-referred to the next session at which time the requirements for the Clean Air Act program will have been clarified by the Environmental Protection Agency. Vote 16-0. Rep. Bonnie Lou McCann for Environment and Agriculture.

**HB 721-FN-A**, relative to hiring additional weights and measures inspectors and making an appropriation therefor. OUGHT TO PASS.

This is a consumer protection bill. It allows fees collected in the licensing of scales to be put into a fund to pay for four additional inspectors. These inspectors will check and seal scales to insure that the consumer is protected from improperly-balanced scales. Vote 18-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Referred to Appropriations.

**HB 730-FN**, imposing a fee on all motor vehicles and granting certain rulemaking authority to the division of air resources. RE-REFER TO COMMITTEE.

Several pieces of legislation were introduced which would raise fees or levy new taxes to assist in funding the Department of Environmental Services. This is one of those bills. The Committee voted to re-refer this bill, as well as others, so that the Committee could study the impact of these "fees," their intended use, the current handling of funds already utilized by the Department, as well as, and most importantly, the current method through which the Department receives funds. Vote 18-0. Rep. Rick A. Trombly for Environment and Agriculture.

**HB 366-FN-A**, establishing an office of information technology management and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The Committee felt that the state could benefit from a policy which integrates the state's Computer Information System. It further received information that there is a potential, under such a policy, of saving the state approximately \$1,500,000 in future technology purchases. Vote 13-1. Rep. Cynthia A. McGovern for Executive Departments and Administration.

#### **Amendment**

Amend RSA 21-I:60, I as inserted by section 1 of the bill by replacing it with the following:

I. Providing technical information technology consultation to any agency which requests it, including technical advice during the development or acquisition of computerized systems.

Amend RSA 21-I:62, I as inserted by section 1 of the bill by replacing it with the following:

I. Develop and implement, subject to approval by the governor, and the legislature a long-range information technology plan for the state of New Hampshire.

Amend RSA 21-I:64, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established the information technology management advisory board. The board shall advise the office on policy matters, strategic direction, and emerging trends in information technology, and shall review the information technology management office plan and state information technology plans.

Amend RSA 9:4-b as inserted by section 2 of the bill by replacing it with the following:

9:4-b Information Technology Plan. Each executive department shall prepare an information technology plan in accordance with the information technology planning process developed under rules adopted by the director of the office of information technology management under RSA 21-I:63. The portion of each plan which addresses the upcoming biennium shall define the capital and operating budgets necessary for implementing the plan. The budget data in the information technology plan shall provide for both new information technology initiatives and existing operations and shall be consistent with the budget data submitted under RSA 9:4 and 9:4-a. In the case of the failure of any executive department to submit an information technology plan, the director of information technology management shall cause a plan to be prepared as in his opinion is reasonable and proper.

Amend the bill by replacing section 7 with the following:

7 New Paragraph; Division of Plant and Property Management. Amend RSA 21-I:11 by inserting after paragraph X the following new paragraph:

XI. Requiring agencies to submit appropriate portions of the approved state information technology plan in support of requests for purchases of information technology equipment, software or services in excess of \$5,000 and notify the office of information technology of any request for information technology purchases in excess of \$5,000.

Referred to Appropriations.

**HB 412**, relative to teacher representation on the New Hampshire retirement system board of trustees. INEXPEDIENT TO LEGISLATE.

It is assumed that HB 51, which creates a task force to study the New Hampshire Retirement System, will become law. The issues in HB 412 will be considered by that task force. Vote 14-0. Rep. Miriam D. Dunn for Executive Departments and Administration.

**HB 472-FN-A**, relative to establishing a fiscal impact review process for state agency programs and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

The subject matter covered in HB 472 can be handled by a Subcommittee with House Bill 614. Both bills address legislative oversight of programs and agencies. Vote 13-0. Rep. Merton S. Dyer for Executive Departments and Administration.

**HB 477-FN**, relative to agency authority to make rules and impose administrative fines. RE-REFER TO COMMITTEE.

This bill clearly points out the problems with the rulemaking authority, which is very useful and helpful. However, the magnitude to solve the problem and streamline the issue cannot be done within this time frame. A sincere desire and commitment is pledged to come in with a good bill! Vote 15-0. Rep. William P. Boucher for Executive Departments and Administration.

**HB 490-FN**, relative to continuation of state health and dental insurance benefits for state employees called for active duty as a result of Operation Desert Storm. OUGHT TO PASS.

This bill extends health insurance benefits for six months for full-time state employees who are reservists called up for Operation Desert Storm active duty. The Committee feels this is an appropriate and tangible recognition of the sacrifices made by our fighting men and women. Vote 12-0. Rep. John J. Sytek for Executive Departments and Administration.

**HB 552-FN**, relative to funding medical benefits for retired group I members of political subdivisions. INEXPEDIENT TO LEGISLATE.

This legislation would have cost, on the high side \$898.4 million for terminal funding of medical benefits for retired Group I members of political subdivisions, or on the low side \$449.4 million. The assets presently available are \$84.3 million in either case. Vote 15-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

**HB 558-FN**, relative to seniority credit to protect veterans from layoffs and relative to maintenance and security costs charged by the adjutant general for rental of armories. INEXPEDIENT TO LEGISLATE.

The Committee notes that seniority standards are addressed for classified employees in the Personnel Rules. Consequently, the Committee recommends that the Director of Personnel construct and process specific rules for veterans that do not exceed the maximum of 12 months as proposed by the Executive Director of the Veterans Council. All other public employers may or may not choose to develop such rules. Vote 13-0. Rep. Merton S. Dyer for Executive Departments and Administration.

**HB 570-FN**, relative to a cost of living adjustment for retired firefighters. INEXPEDIENT TO LEGISLATE.

Regarding a cost of living adjustment for retired firefighters and funding additional benefits for retirees, the Committee voted Inexpedient to Legislate because at this



time there are no funds to finance this bill. Vote 15-0. Rep. John O'Brien for Executive Departments and Administration.

**HB 614-FN-A**, relative to restoring the sunset process and making an appropriation therefor. RE-REFER TO COMMITTEE.

There is a need for an oversight policy of state agencies and programs. This bill includes items in HB 472 and will provide the vehicle to study this policy and make recommendations in 1992. Vote 13-0. Rep. Merton S. Dyer for Executive Departments and Administration.

**HB 713-FN**, relative to the general counsel of the public utilities commission. OUGHT TO PASS WITH AMENDMENT.

Consistent with the reorganization law, this bill converts the position of General Counsel to the Public Utilities Commission from an indefinite term to a four-year term. Vote 14-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; General Counsel Added. Amend RSA 363:27 by inserting after paragraph II the following new paragraph:

III. General Counsel. The commission shall appoint a general counsel, who shall serve for a term of 4 years.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill allows the public utilities commission to appoint a general counsel as a member of the commission's support personnel who shall serve for a 4-year term.

**HB 205**, restricting the method of taking freshwater smelt. OUGHT TO PASS WITH AMENDMENT.

The Committee finds the regulation of freshwater smelt, daily catch and possession limits, as well as method of taking is best handled by the Fish and Game Department rather than the RSA. Vote 17-0. Rep. Richard W. Lougee for Fish and Game.

#### Amendment

Amend RSA 211:2-e as inserted by section 1 of the bill by replacing it with the following:

211:2-e Freshwater Smelt.

I. Notwithstanding any other law or rule to the contrary, no person shall take smelt (*Osmerus mordax*) from the fresh waters of this state by any method other than by angling, unless the executive director determines that other methods of taking smelt would not be detrimental to the smelt resources of the state.

II. The executive director shall have the authority to open and close the season for the taking of smelt, to fix the daily bag and possession limits, and any other conditions governing the methods and manner of taking and reporting of smelt. All rules adopted by the executive director shall be in accordance with RSA 541-A.

III. Any person who violates the provisions of this section shall be guilty of a violation.

Amend section 5 of the bill by replacing it with the following:

5 Repeal. The following are repealed:

I. RSA 214:34-e, II, relating to the season for taking baitfish.

II. 1985, 288:2, relative to taking smelt from salmonoid lake trout lakes.

Amend section 6 of the bill by replacing it with the following:

6 Effective Date. This act shall take effect upon its passage.

Amend the bill by deleting sections 3 and 4 and renumbering sections 5 and 6 to read as 3, 4 respectively.

#### AMENDED ANALYSIS

This bill restricts the method of taking freshwater smelt to angling, unless the executive director determines that other methods of taking smelt would not be detrimental to smelt resources.

**HB 380-FN**, relative to sheltered care facilities. RE-REFER TO COMMITTEE.

The Committee felt that the issue of the special licensing needs of facilities for the developmentally disabled was sufficiently complex and important to merit further study. Vote 14-0. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

**HB 395**, relative to persons buried at public expense. INEXPEDIENT TO LEGISLATE.

The Committee is unanimous that something other than repeal should be done with RSA 291. The subject of unclaimed bodies buried at public expense should be addressed next session, rewriting RSA 291, which was written in 1869, and bring it up to date. Vote 11-0. Rep. Marilyn P. Senter for Health, Human Services and Elderly Affairs.

**HB 397-FN**, relative to persons afflicted with Alzheimer's disease. OUGHT TO PASS WITH AMENDMENT.

This bill establishes a committee to study the issue of where to place a person who is afflicted with Alzheimer's disease when the caregiver can no longer physically control such person. The amendment states that this act shall take effect July 1, 1991. Vote 14-0. Rep. Gordon E. Wiggin for Health, Human Services and Elderly Affairs.

#### Amendment

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect July 1, 1991.

**HB 460-FN**, relative to the confidentiality of certain health care data. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, introduces the Governor's Blue Ribbon Commission on Health Care.

Governor Gregg, in his Executive Order 89-11 creating the Commission, identified the need for timely, accurate, comprehensive data and analysis as a fundamental cornerstone to better understand the complex issues involving health care costs, availability and access in New Hampshire. Vote 11-0. Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to the health data advisory committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Changed. RSA 126:25, III is repealed and reenacted to read as follows:

III.(a) The governor shall appoint, from nominations submitted by the commissioner of health and human services, a health data advisory committee. The advisory committee shall be chaired by the commissioner of health and human services or designee and shall meet at least twice annually, as determined by the committee. The membership shall be comprised as follows:

(1) Two members who shall be health care consumers and who have no direct financial interests in the delivery or financing, other than for themselves or their families, of health care services.

(2) Two members who shall be selected from the state's business community and who have no direct financial interests in the delivery or financing, other than for themselves or their families, of health care services.

(3) Two members of the health insurance industry, one of whom shall represent Blue Cross and Blue Shield of New Hampshire. The second member may be selected from a licensed New Hampshire health maintenance organization.

(4) One member from the state's academic community with expertise in health care.

(5) One member representing hospital services.

(6) One member representing physicians.

(7) One member representing long term care services.

(8) One member representing community health care services.

(b) The commissioner shall designate a senior member of his staff to assist the committee in its duties. This individual shall be a nonvoting ex-officio member.

(c) Committee members shall serve for a 3-year term and may serve no more than 2 consecutive terms. The unexpired term resulting from a vacancy shall be filled by an appointment by the governor from nominees submitted by the commissioner. Members of the committee shall serve without compensation.

(d) The committee shall assist the New Hampshire health data services network, established in the office of the commissioner, by performing the following functions.

(1) Framing health care questions and issues.

(2) Analyzing identified issues and ensuring fair treatment.

(3) Determining the state's health data services network's priorities in terms of areas of focus.

(4) Encouraging a catalyst, proactive role for the network with particular attention given to the education of data providers and users.

(5) Stimulating access to the network's services consistent with financially sound operation practices and determining whether fees should be charged for services and products.

(6) Determining those policy issues requiring data and analysis and providing the department of health and human services with assistance in the collection, management and analysis of health care and selected data.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill changes the membership and the duties of the health data advisory committee established in RSA 126:25, III(a).

**HB 479-FN-A**, increasing the personal needs allowance of nursing home residents and making an appropriation therefor. RE-REFER TO COMMITTEE.

The Committee was completely sympathetic and receptive to this bill. Unfortunately, we all realize that the funds are not presently available. The Committee has re-referred this bill in anticipation of improved financial conditions for the state in the near future. Vote 14-0. Rep. Bronwyn L. Asplund for Health, Human Services and Elderly Affairs.

**HB 504-FN**, relative to utilization review programs. RE-REFER TO COMMITTEE.

The Committee felt that the issue of utilization review has merit, but because of the pressure of deadlines it could not make the necessary corrections at this time. Vote 15-0. Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs.

**HB 511-FN**, repealing the certificate of need law. INEXPEDIENT TO LEGISLATE.

Economically, the removal of the "Health Services Planning and Review Board" (CON) would create an astronomical rise in health care costs for the citizens of New Hampshire. The "CON" board effectively monitors all costs related to construction, equipment purchases and medical services and judges the need to concerned communities affected. Vote 12-0. Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs.

**HB 529-FN**, relative to the permanently and totally disabled program. INEXPEDIENT TO LEGISLATE.

This bill would require that a person who is eligible for aid to the permanently and totally disabled document by medical evidence that such disability has a duration of at least two years. The Committee reluctantly voted Inexpedient to Legislate due to fiscal constraints. Vote 13-0. Rep. Thomas G. Cain for Health, Human Services and Elderly Affairs.

**HB 597-FN**, relative to licensing of nurses. OUGHT TO PASS.

This bill enables students completing nursing educational programs to seek temporary licensure at the L.P.N. or R.N. level in a more expedient manner than currently possible. It enables a temporary license which will expedite the number of nurses available for employment at any one time. State revenues will be slightly increased by fees required. Vote 12-0. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

**HB 712-FN**, relative to access to health care for the uninsured. RE-REFER TO COMMITTEE.

This bill would expand medical assistance to include "poverty level" children six years of age or under and pregnant women whose income eligibility does not exceed 185 percent. While supporting the concept that preventive health measures are cost effective, the Committee acknowledges a lack of available funds and recommends re-referral. Vote 15-0. Rep. Mary H. Jordan for Health, Human Services and Elderly Affairs.



**HB 726-FN-A**, relative to vital records and continually appropriating a fund for records automation. RE-REFER TO COMMITTEE.

This bill increases fees charged for certified copies of vital records for three years. A portion of increased fees remains with municipalities to cover costs; balance of such fees placed in a special fund. Moneys in the special fund are to be used for automation of vital records system, and continually appropriated to the Division of Public Health Services. Vote 15-0. Rep. Carmela M. DiPietro for Health, Human Services and Elderly Affairs.

**HB 769-FN**, relative to licensing and the board of optometry. INEXPEDIENT TO LEGISLATE.

House Bill 469 had a great deal of testimony which included professional turf and safety issues, which will take a great deal of study in Committee time with mileage costs. Vote 15-0. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

**HB 773-FN**, requiring partner notification. INEXPEDIENT TO LEGISLATE.

This bill would establish a mandatory procedure whereby the Division of Public Health would require notification of the partners of any individual who tests serologic positive for the human immunodeficiency virus. Vote 15-0. Rep. Gordon E. Wiggin for Health, Human Services and Elderly Affairs.

**HB 246-FN-A**, relative to deputy sheriffs employed as bailiffs and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

This will raise the cost to the state for court bailiffs 20 percent plus increased county costs for Social Security and other benefits which will be added to the local property tax. Another problem is that there is no uniform state system for court bailiffs, and the Committee suggests that the problem be studied by the Appropriations Committee. Vote 14-3. Rep. Alf E. Jacobson for Judiciary.

**HB 500-FN**, relative to drug testing in the workplace. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, makes it possible for the New Hampshire Department of Employment Security to take advantage of opportunities to bring federal dollars back to New Hampshire. Vote 15-0. Rep. David O. Dow for Labor, Industrial and Rehabilitative Services.

### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to exemptions in the administration  
of the unemployment compensation laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Expenses. Amend RSA 282-A:110 to read as follows:

282-A:110 Expenses. Subject to compliance with laws and regulations approved by the United States department of labor, the actual expenses incurred by the commissioner of the department of employment security in the work of his office shall be paid. *The provisions of RSA 9 and RSA 21-I shall not apply to appropriations for the administration of this chapter.*

2 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill exempts the administration of laws concerning unemployment compensation from complying with the provisions governing the department of administrative services and provisions concerning the state budget and appropriations.

Referred to Appropriations.

**HB 531-FN**, relative to personal care for the severely physically disabled. OUGHT TO PASS.

The Committee, after public hearing and study, determined that this bill was fair to all sides and cleared up a couple of weaknesses, improving the care of the disabled. Vote 15-0. Rep. George W. Wright for Labor, Industrial and Rehabilitative Services.

**HB 768-FN**, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefits. OUGHT TO PASS.

This bill contains timely changes in the weekly unemployment benefits for 1991 and 1992. It clarifies certain dates for appeals filed by mail and was supported by the Department of Employment Security. Vote 15-0. Rep. David O. Dow for Labor, Industrial and Rehabilitative Services.

**HB 654-FN**, establishing an ethics committee to regulate public officials. REFER TO COMMITTEE.

An ethics bill has already passed the Senate (SB 29). The Committee is unanimously recommending that this House Ethics Bill be re-referred so it can take a second look at the issue after reviewing the Senate Bill. Vote 13-0. Rep. Susan S. Spear for Legislative Administration.

**HB 685-FN**, relative to the fiscal note process. OUGHT TO PASS WITH AMENDMENT.

The Committee amendment was accepted because it broadens the issues covered under the fiscal note process from single licensing as was contained in the original bill. Vote 11-2. Rep. Robert A. Lockwood for Legislative Administration.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to fiscal notes.

Amend the bill by replacing section 1 with the following:

1 When Fiscal Notes Required. Amend RSA 14:44 to read as follows:

14:44 Fiscal Note Required.

*I. All bills and resolutions having an effect on the revenues, expenditures or fiscal liability of the state or a city or town or county[, excepting appropriations for capital improvements,] shall be accompanied by a fiscal statement which sets forth the estimated fiscal impact thereof, except as provided in paragraph II.*

*II. No fiscal note shall be required for bills and resolutions which:*

- (a) Make appropriations for capital improvements and expenditures.*
- (b) Are budget or supplemental budget bills.*
- (c) Establish study committees where the only fiscal impact of the bill is due to legislative mileage authorized for legislative members.*
- (d) Establish or change a civil or criminal penalty.*
- (e) Shift the burden of a tax among local taxpayers, without affecting the total amount of revenue received from the tax.*

*(f) Regulate the operation of boats or other watercraft on a particular body or bodies of water.*

*(g) Grant rulemaking authority to or alter the rulemaking authority of a state agency.*

#### AMENDED ANALYSIS

This bill changes the requirements for fiscal notes on bills and resolutions.

**HB 233**, relative to charter revisions and municipal home rule. INEXPEDIENT TO LEGISLATE.

The bill, as amended, allows a municipality to petition for a charter change or charter commission on written petition of 20 percent of the number of votes cast in the last regular municipal election rather than the last gubernatorial election as under current law.

This bill would have resulted in a major policy change with no municipal officials speaking in support of this change. Also, several of those testifying questioned if there is going to be a change, why not base it on the percentage of registered voters on the checklist. Vote 14-0. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 251-FN**, increasing the amount of the tax exemption for postsecondary institutions. INEXPEDIENT TO LEGISLATE.

The Committee feels that colleges are already getting exemptions in various ways and this bill would shift the burden of taxes to the taxpayers even further. Testimony indicated that in many instances, informal arrangements more than accomplish what the bill intends. Vote 14-0. Rep. John A. Middleton for Municipal and County Government.

**HB 449-FN**, to double the net income requirements under the optional adjusted elderly property tax exemption. RE-REFER TO COMMITTEE.

The Committee has received several bills dealing in some fashion or other with a property tax exemption for the elderly. It proposes to re-refer all of them for the purpose of submitting a single bill for consideration by the House. Vote 13-0. Rep. John A. Middleton for Municipal and County Government.

**HB 619-FN**, relative to central business districts. OUGHT TO PASS.

This bill would expand the services and activities a municipality may provide in a central business service district beyond the current limitation of just maintenance. All testimony was favorable. Vote 13-0. Rep. Donna M. Soucy for Municipal and County Government.

**HB 300-FN**, relative to bingo and lucky 7 license application fees. RE-REFER TO COMMITTEE.

The Committee feels that the bill has merit, but needs work to study impact and equality between large and small recreational bingo games. Vote 19-0. Rep. Laura C. Pantelakos for Regulated Revenues.

**HB 334-FN**, relative to the establishment of agency liquor stores. OUGHT TO PASS WITH AMENDMENT.

The State Liquor Commission has been authorized, by statute, to license special agency liquor stores since 1934. It is likely that the Commission will begin licensing agency liquor stores within the year. The Committee asks the passage of HB 334 with amendment. The passage of this legislation establishes guidelines for licensing and

operation; for enactment by the Commission. Vote 19-0. Rep. Thomas A. Behrens for Regulated Revenues.

#### Amendment

Amend RSA 177:11, I and II as inserted by section 3 of the bill by replacing it with the following:

I. The commission may license an agency liquor store only when the following requirements are met:

(a) The proposed agency liquor store is located in a municipality which has voted in favor of the operation of state liquor stores under RSA 175:7.

(b) The proposed agency liquor store is located in a municipality where there is no state liquor store.

(c) The proposed agency liquor store is not within 10 road miles of an existing state liquor store or agency liquor store unless a specific exception is granted by the commission.

II. The commission, may not replace a state liquor store which closes with an agency liquor store if there is another state or agency liquor store within 10 miles, unless a specific exception is granted by the commission.

Amend section 3 of the bill by replacing all after RSA 177:13 with the following:

177:14 Special Seasonal Agency Liquor Stores.

I. The commission may issue 6-month seasonal licenses to special seasonal agency stores.

II. The commission shall determine the appropriate locations for the stores and the appropriate 6 consecutive months based on the seasonal tourist population and the sales volume at existing state and agency liquor stores in the same areas. The 10-road mile spacing requirement for location of agency liquor stores required by RSA 177:11 shall not apply to special agency liquor stores licensed under this section.

III. The commission shall submit a report on or before September 30, 1996, to the house of speaker, the senate president and the governor concerning the effectiveness of this section.

177:15 Transfer of Agency Liquor Store License Prohibited. An agency liquor store license shall not be transferable.

177:16 Eligibility Qualifications. The commission shall not issue a license to an applicant, unless that applicant meets the following qualifications:

I. If the applicant is a proprietorship, the applicant shall be:

(a) At least 21 years of age.

(b) A citizen of the United States.

(c) A resident of the state for at least 3 years prior to application.

II. If the applicant is a partnership or association, all persons having an interest in the partnership or association shall be:

(a) At least 21 years of age.

(b) A citizen of the United States.

(c) A resident of the state for at least 3 years prior to application.

III. If the applicant is a corporation, it shall be incorporated under the laws of the state and shall have been authorized to transact business in the state for at least 3 years prior to application.

IV. Any retail licensee, whether proprietorship, partnership, or corporation shall only be approved to establish one retail agency store.



## AMENDED ANALYSIS

This bill allows the state liquor commission to license agency liquor stores in municipalities which have no state liquor store, so long as such store is not within 10 road miles of a state store. Retail licensees shall be approved for only one retail agency store.

**HB 747-FN**, relative to liquor stores. RE-REFER TO COMMITTEE.

The Committee, by a unanimous vote, requests that HB 747 be returned to it for further study. In the past, the idea of privatizing retail liquor operations has been rejected repeatedly. If re-referred the Committee will evaluate, in length, the merits of privatizing vs the utilization of agency stores in these current economic times. Vote 16-0. Rep. Thomas A. Behrens for Regulated Revenues.

**HB 770-FN-A**, establishing casino gambling and off-track betting in New Hampshire and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

This bill represents too much of an expansion in gambling in the state at the present time. Vote 19-0. Rep. Stephen W. Bucu for Regulated Revenues.

**HB 53-FN-A**, establishing a continually appropriated state park fund and a ski area funding mechanism. OUGHT TO PASS WITH AMENDMENT.

As amended, HB 53 places our state parks and ski areas on sound financial footing which will allow the ski operations at Cannon and Sunapee to remain open for a full season and permit maintenance planning to be based on a revenue stream in order to reduce the \$2-\$3 million of deferred maintenance at our state parks. Vote 15-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

## Amendment

Amend RSA 216-A:3-i, I as inserted by section 2 of the bill by replacing it with the following:

216-A:3-i State Park Fund Established.

I. The state treasurer shall establish a separate and distinct account to be known as the state park fund. He shall deposit in said fund actual revenue derived by the commissioner of the department of resources and economic development in excess of budget expenses from fees, services, accommodations, rentals, retail sales, and net profit from concession operations, and including any federal moneys which become available, and all donations and gifts. Revenues from state ski operations shall not be included in the fund. The fund shall be continuing and non-lapsing.

Referred to Appropriations.

**HB 293-FN**, relative to mooring requirements. INEXPEDIENT TO LEGISLATE.

The Committee members had a long and heated discussion regarding this bill. It was again decided it would be premature to expand the mooring legislation from the five lakes included in existing legislation to approximately 780 great ponds. The Committee felt that now is not the time, due to the economic situation, to increase any fee for moorings - particularly when there is no guarantee that the increased revenues from additional fees would result in the hiring of additional enforcement officers or equipment. Vote 13-3. Reps. John B. Young and Janet M. Conroy for Resources, Recreation and Development.

**HB 402**, relative to recording information on sewage and waste disposal systems. OUGHT TO PASS WITH AMENDMENT.

The proposal made in HB 402 is included in HB 745, a bill addressing exactly the same subject. The Committee has "stripped" HB 402 and is using the bill number to

clear up an oversight on the "Rivers Bill" (HB 1432) passed in the last session. HB 402, as amended, will allow farmers to spread lime and wood ash on their fields in the same manner as they are allowed to spread manure. The change was requested by the New Hampshire Farm Bureau and the Department of Agriculture and has the support of this Committee. Vote 15-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to placing lime and wood ash on farmland.

Amend the bill by replacing all after the enacting clause with the following:

1 Lime. Wood Ash Added. Amend RSA 483:9, VI(c) to read as follows:

(c) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure used for fertilizer, *or lime or wood ash*, shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment;

2 Lime. Wood Ash Added. Amend RSA 483:9-a, VII(b) to read as follows:

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure used for fertilizer, *or lime or wood ash*, shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated community river or segment;

3 Lime. Wood Ash Added. Amend RSA 483:9-b, VII(b) to read as follows:

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure used for fertilizer, *or lime or wood ash*, shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated community river or segment;

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill allows lime and wood ash, in addition to manure, to be applied to farmland.

**HB 459**, relative to notice received by the wetlands board from local conservation commissions. OUGHT TO PASS.

This bill extends from 10 to 14 days the amount of time that is allowed for a local conservation commission to notify the Wetlands Board that it intends to investigate an application for an excavating and dredging permit. Vote 13-0. Rep. Carol M. Stamatakis for Resources, Recreation and Development.

**HB 515-FN**, exempting the purchase of certain land conservation property on which dams are located from the requirement of legislative approval. OUGHT TO PASS WITH AMENDMENT.

This bill is intended to address the purchase of dams in the Nash Stream purchase and legalizes the purchase as specified in RSA 4:29 that prohibits the acquisition without authorization by the Legislature. It also legalizes the purchase of the earthen dam in Northwood along with the purchase of 662 acres by the Land Conservation Investment Program. The bill further authorizes the state ownership of the dam at Garland Pond by the Fish and Game Department. The bill further covers any purchase of a dam by LCIP in any future purchase. Vote 12-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

exempting the purchase of certain property on which  
dams are located from the requirements  
of legislative approval.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 and 4 to read as 4 and 5, respectively:

3 Garland Pond Property Dam. Notwithstanding RSA 4:29 or any other provision of law, the fish and game department is hereby exempted from obtaining legislative approval for the acquisition of the dam located on the Garland Pond property in the town of Ossipee in Coos county.

**AMENDED ANALYSIS**

This bill exempts from the requirement of legislative approval, any dam acquired as part of the Nash Stream purchase on October 28, 1988, the dam located adjacent in the Mary Burt property and currently owned by the Trust for New Hampshire Lands, the dam located on the Garland Pond property in Ossipee, and any dam on property for which an application has been submitted to the land conservation investment program by December 31, 1990.

Referred to Appropriations.

**HB 714-FN**, relative to life saving identification labels. RE-REFER TO COMMITTEE.

The recommendation of the Committee was to submit this bill for re-referral. This identification has great merit, but needs study to know where it will be centralized. The Committee will work with the sponsor to see how this can be activated. Vote 15-1. Rep. Mildred A. Beach for Resources, Recreation and Development.

**HB 722-FN**, relative to the control and regulation of billboards and other advertising devices and establishing an outdoor advertising study committee. OUGHT TO PASS WITH AMENDMENT.

The bill, as amended, strengthens the present billboard regulations. The bill also establishes an outdoor advertising study committee. The purpose of the Committee is to recommend a uniform system for commercial advertising along the state's highways. Vote 13-2. Rep. Mary Ann Lewis for Resources, Recreation and Development.

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Billboard Regulation; Purpose Added. Amend RSA 236:69 to read as follows:

236:69 Policy. It is hereby declared to be the policy of this state and in the public interest to provide for maximum visibility along the interstate system, federal aid primary system, and turnpike system, and connecting roads or highways; to prevent unreasonable distraction of operators or motor vehicles; to prevent confusion with regard to traffic lights, signs or signals or other interference with the effectiveness of traffic regulations; to promote maximum safety, comfort and well-being of users of the interstate system, federal aid primary system, and turnpike system; to preserve and enhance the natural scenic beauty or the aesthetic features of the interstate system, federal aid primary system, turnpike system and adjacent areas; to promote the reasonable, orderly and effective display of advertising devices along such systems;

[and] to regulate advertising devices along such systems in a manner consistent with customary use in this state[.]; *to prevent the proliferation of billboards and other advertising devices, to the detriment of the New Hampshire landscape; to minimize the visual impact of billboards at existing and proposed locations; and to minimize the long term need for billboards and other advertising devices by working towards the establishment of a state-sponsored informational and directional advertising system.* To implement this declared policy and cooperate with the United States government in the construction and maintenance of public highways in accordance with Title 23 United States Code as amended and supplemented, this subdivision provides for the regulation of advertising devices on the interstate and federal aid primary highway systems.

2 Advertising Devices; Applications for Permit Renewal. Amend RSA 236:72 to read as follows:

236:72 Permits. No advertising device other than such a device described in RSA 236:73, III, IV and V shall be erected or maintained in a federal highway or turnpike adjacent area without a permit issued by the commissioner of transportation. *The total number of permits to be issued in any given year shall be fixed and shall never exceed those legally in effect on July 1, 1991. Applications for permit renewals shall be honored if all conditions of the initial permit are being met. The commissioner shall establish through rules, adopted pursuant to RSA 541-A, an equitable system assuring equal access by all interested parties to vacated permits.* Application for a permit or renewal of a permit shall contain the name and residence or principal business address of the applicant, the location of the device to be permitted and its size, excluding border and trim, base or apron, supports and other structural members, the number of faces carrying advertising, a signed statement of the owner of the property upon which the device to be permitted is or will be located that he has consented to such device, the amount of rental compensation being paid to the said owner, and such other reasonable information or requirements as the commissioner may require. However, on an application for renewal of a permit the commissioner may waive the requirement for furnishing a signed consent statement from the owner of the property on which the device is located. Permits shall expire on April 1 following the date of issue and fees shall not be prorated. Applications for renewal of a permit shall be filed prior to March 15 preceding expiration of the permit. Only one permit shall be required for double face or v-type devices, but fees shall be charged with respect to each face used for advertising. Advertising copy may be changed at any time without requiring a new permit. Applications for a permit or renewal of a permit shall be granted except as provided in RSA 236:78, and each application shall be accompanied by fees in accordance with the following schedule:

I. For sign faces of 50 square feet or less, \$50.

II. For sign faces of more than 50 square feet but less than 350 square feet, [\$75] \$100.

III. For sign faces of 350 square feet or more, [\$100] \$200.

IV. *For signs whose upper edge is more than 40 feet above the ground elevation at the base of the supporting structure, an additional fee of \$1 per each foot by which the upper edge exceeds 40 feet in elevation.*

All fees collected hereunder shall be deposited in the highway fund.

3 New Subparagraph; Advertising Device Height; Limitation. Amend RSA 236:74, II by inserting after subparagraph (c) the following new subparagraph:



(d) No new advertising devices permitted under RSA 236:72 shall have their upper edges more than 40 feet above ground level, measured from the lowest point at which their supporting base enters the ground.

4 On-Premise Signs; Definition Clarified. Amend the introductory paragraph of RSA 236:70, II to read as follows:

II. The words "on-premise signs" shall mean advertising devices which are to be erected and maintained on property *solely* for the following purposes:

5 On-Premise Signs; Restriction Added. Amend the introductory paragraph of RSA 236:73, III to read as follows:

III. On-premise signs which are to be erected and maintained on the property for the purpose of setting forth *only*:

6 On-Premise Signs. Amend RSA 236:73, III(c) to read as follows:

(c) The name of the business or profession conducted on the property, or an identification of the goods or services produced or sold on such property, provided, not more than one such sign, visible to traffic proceeding in any one direction on any one interstate, federal aid primary or turnpike highway and advertising activities being conducted on the real property where the sign is located shall be permitted more than 50 feet from the advertised activity *and further provided that any advertising device that sets forth any information on a business not conducted on the property shall not constitute an on-premise sign within the meaning of this paragraph.*

7 Advertising Regulation; Location Clarified. Amend RSA 236:74, IV(c) to read as follows:

(c) No advertising device may be erected with respect to an interstate, limited access federal aid primary, or turnpike highway within 500 feet of an interchange or safety rest area [located on the same side of the highway on which such sign might otherwise be erected]. For purposes of RSA 236:74, IV(c) such distance of 500 feet shall be measured along the edge of the main traveled way of any such highway from the point of beginning or ending of pavement widening with respect to an exit from, or an entrance to, such main traveled way, to or from an interchange or a safety rest area, provided, however, that with respect to an interchange which consists of an entrance or an exit only, such distance shall be measured from the center line of the highway intersected by any such highway in the direction from such interchange in which there is no entrance or exit, as the case may be.

8 Advertising Devices Within Highway Rights-of-Way; Procedure Clarified. Amend RSA 236:88 to read as follows:

236:88 Advertising Devices Within Highway Rights-of-Way. Any advertising device so located as to be within the right-of-way of any interstate, federal aid primary, federal aid secondary, or turnpike highway shall be deemed to be illegally located. Removal and disposal of said device shall be effected [after] *by the department of transportation. Prior to such removal 10 days' written notice shall be given to the owner of said device, provided the identity and mailing address of the owner are displayed on the device[, by the department of transportation]. The provisions of RSA 236:78 with respect to hearings shall not apply to advertising devices deemed to be illegally located under this section.*

9 Committee Established; Duties. An outdoor advertising study committee is hereby established to investigate the most efficient and equitable means by which to establish a uniform system of commercial advertising along the state's highways.

10 Membership. The committee shall consist of the following:

I. Two members of the senate, appointed by the president of the senate.

II. Two members of the house of representatives, appointed by the speaker of the house.

III. The commissioner of the department of transportation or designee, who shall serve as chairperson.

IV. The commissioner of the department of resources and economic development or designee.

V. The director of the office of state planning or designee.

VI. A member of the New Hampshire Hospitality Association, appointed by the governor.

VII. A member of the New Hampshire Outdoor Advertising Council, appointed by the governor.

VIII. A member of the New Hampshire Good Roads Association, appointed by the governor.

11 Initial Meeting. The committee shall hold its first meeting within 30 days of the effective date of this act.

12 Report. The committee shall submit a report on its findings, including recommendations for legislation, to the speaker of the house, the senate president, and the governor, on or before November 1, 1992.

13 Mileage. Legislative members shall receive compensation for mileage at the legislative rate when attending to the business of the committee.

14 Effective Date.

I. Sections 1-3 of this act shall take effect January 1, 1992.

II. The remainder of this act shall take effect upon its passage.

**HB 780-FN**, relative to the water treatment plant operator certification program. **ought to pass with amendment.**

This bill allows the Department of Environmental Services to establish a self-funded revolving publication fund, which will enable the Bureau to buy and sell publications for the operator certification program. The fee collected under RSA 332-E:4 will be utilized to conduct the operator certification program. It further adds a provision which permits the division, in conjunction with the operators certification advisory council, to require continuing education prior to certification renewal. The bill amends RSA 485:41 exempting state, counties, municipalities, precincts and their extension from the permit to operate fee. It also will include a permit to operate fee to public water systems serving less than 100 people. Vote 15-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to water treatment plant operators  
and fees for water system permits.

Amend the bill by replacing all after the enacting clause with the following:

I Fund Continually Appropriated. Amend RSA 332-E:4, III to read as follows:

III. The application shall be accompanied by a fee of \$25 to cover division expenses for conduct of the certification program. All fees shall be deposited with the state treasurer and reserved in a special nonlapsing fund *which shall be continually appropriated* to be used by the division for administration of this chapter.

2 New Paragraphs; Use of Funds. Amend RSA 332-E:5 by inserting after paragraph IV the following new paragraphs:

V. The division may use the nonlapsing fund established in RSA 332-E:4, III for the purchase and resale of publications for the purpose of assisting water works operators to achieve certification. This publication activity shall be self-funding.

VI. The division in conjunction with the advisory committee may require the taking of educational courses and the demonstration of course proficiency by all operators prior to the renewal of their certificate.

3 Exemptions from Water System Permit Fees. Amend RSA 485:41, VIII to read as follows:

VIII. Adopt a fee system in recognition of services provided [for the] *by the water supply engineering bureau including the* issuance of an operational permit for public water systems subject to this chapter. The division shall adopt rules establishing the application process for the issuance of operational permits pursuant to RSA 541-A. The fee category for community systems per year shall be \$600 [for all systems serving more than 100 people,] but in no case shall the fee exceed \$10 per household or household equivalent. The fee category for non-transient and non-community systems shall be \$200 per year. *Any system owned by a state, county, municipality, town, precinct, or district shall be exempt from water system fees.* All fees shall be paid to the division for deposit in the operational permits account. Moneys in the operational permits account shall be used to pay the [salary] *salaries*, benefits and expenses [for the permanent full-time employees] *of the staff* in the division's *drinking* water supply [engineering bureau] *program*, [operation permits section]. Any revenues generated in excess of the costs of funding the *drinking* water supply [engineering bureau] *program's expenses*, [operation permits section,] shall lapse to the general fund at the close of each fiscal year to be used to offset the future general fund appropriation for the water supply [engineering bureau] *program*.

4 Effective Date. This act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

The bill continually appropriates a special fund containing certain fees into a revolving fund to be used by the division of water supply and pollution control for the purchase of materials to assist water treatment operators to achieve certification. This bill also exempts certain entities from water system permit fees.

Referred to Appropriations.

**HB 296-FN-A**, establishing a state emergency response commission and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, establishes an emergency response commission IAW Public Law 99-499 (SERA Title III), replacing the current Emergency Management Advisory Council. The membership, duties and responsibilities of the Emergency Response Commission are identical with the current Emergency Advisory Council with the addition that the new Commission will have the authority to receive and disburse funds. Vote 11-0. Rep. Charles C. Vogler for Science, Technology and Energy.

#### Amendment

Amend RSA 107-D:3, I as inserted by section 1 of the bill by replacing it with the following:

107-D:3 Commission Members and Term.

I. There is hereby created an emergency response commission consisting of the following members or their designees:

- (a) Director of the governor's office of emergency management, who shall be chairman.
- (b) The attorney general, or designee.
- (c) The commissioner of the department of health and human services, or designee.
- (d) The commissioner of the department of transportation, or designee.
- (e) One representative of the New Hampshire Business and Industry Association and one representative of the Association of Commerce and Industry, each designated by appropriate association.
- (f) The commissioner of safety, or designee.
- (g) The commissioner of environmental services, or designee.
- (h) A representative of the New Hampshire Association of Fire Chiefs, designated by such association.
- (i) The chairman of the public utilities commission, or designee.
- (j) The commissioner of the department of labor, or designee.
- (k) A representative of the New Hampshire chapter of the American Red Cross, designated by such chapter.
- (l) A member of the house of representatives, appointed by the speaker of the house.
- (m) A member of the senate, appointed by the president of the senate.
- (n) One mayor of a city or selectperson of a town, appointed by the governor.
- (o) A representative of the New Hampshire Police Chiefs' Association, designated by such association.
- (p) Three members of the public sector, appointed by the governor.

Amend RSA 107-D:4 as inserted by section 1 of the bill by inserting after paragraph VII the following new paragraph:

VIII. Advise the governor on the preparation and maintenance of a state disaster plan in conformance with applicable federal statutes and regulations.

Amend the bill by replacing section 3 with the following:

3 Repeal. The following are repealed:

- I. RSA 107-C:2, I relative to the definition of the term "council."
- II. RSA 107-C:6, relative to the emergency management advisory council.

#### AMENDED ANALYSIS

This bill establishes an emergency response commission in accordance with Public Law 99-499.

This commission shall have the authority to designate local emergency planning districts, appoint local emergency planning committees for each district, supervise and coordinate the activities of local emergency planning committees, receive and process requests for information, and review local emergency plans.

This bill also deletes the emergency management advisory council.

An appropriation is made to the governor's office of emergency management to administer the emergency response commission.

Referred to Appropriations.

**HB 665-FN**, prohibiting the use of computer-generated telephone calls for solicitation purposes. INEXPEDIENT TO LEGISLATE.

The Committee recognizes the problems of computer-generated telephone call solicitations. However, the testimony on this bill revealed virtually all such calls origi-



nate outside of the state. Therefore, this bill would not solve the problem. The Committee is therefore looking into the possibility of a House Concurrent Resolution to encourage federal legislation currently pending in Congress on this subject. Vote 12-0. Rep. Charles C. Vogler for Science, Technology and Energy.

**HCR 2**, urging Congress to propose a constitutional amendment requiring a balanced federal budget and prohibiting budget appropriation increases in the absence of a national emergency. **OUGHT TO PASS WITH AMENDMENT.**

Unanimously voted on by the Committee, HCR 2 urges Congress to propose a Constitutional Amendment requiring a balanced federal budget. Vote 12-0. Rep. John B. Hunt for State-Federal Relations.

### Amendment

Amend the resolution by replacing the title of the resolution with the following:

#### A RESOLUTION

urging Congress to propose a constitutional amendment  
requiring a balanced federal budget.

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the state of New Hampshire urges the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring a balanced federal budget; and

### AMENDED ANALYSIS

This bill urges the Congress to propose a constitutional amendment requiring a balanced federal budget.

**HCR 8**, urging Channel 8 (WMTW) of Auburn, Maine to provide New Hampshire news coverage and to allow New Hampshire ABC affiliate Channel 9 (WMUR) to broadcast from the Mt. Washington summit. **OUGHT TO PASS WITH AMENDMENT.**

The testimony before the Committee established the following facts: Northern New Hampshire gets its broadcast TV from the top of Mt. Washington. Channel 8, WMTW, has the exclusive right to broadcast from the top of the mountain, but it consistently fails to broadcast New Hampshire news. This resolution will serve to call the attention of Channel 8 and the F.C.C. to the importance of providing northern New Hampshire with local news and events coverage. Vote 13-0. Rep. Peter Hoe Burling for State-Federal Relations.

### Amendment

Amend the title of the resolution by replacing it with the following:

#### A RESOLUTION

urging Channel 8 (WMTW) of Auburn, Maine to provide coverage of New Hampshire news and events and to allow another television channel providing such coverage to broadcast from the Mt. Washington summit.

Amend the resolution by replacing all after the title with the following:

Whereas, New Hampshire has a responsibility to encourage media coverage of state and local news and events to all of its citizens; and

Whereas, residents of the northern part of the state are currently poorly served by the media; and

Whereas, television signals provided to the northern counties are broadcast from the Mt. Washington summit; and

Whereas, only Channel 8 (WMTW) of Auburn, Maine, is currently entitled by contract to broadcast from the summit of Mt. Washington; and

Whereas, Channel 8 (WMTW) has consistently failed to provide comprehensive New Hampshire news coverage, in spite of its repeated promises to provide such coverage; and

Whereas, Channel 8 (WMTW) has apparently blocked the efforts of other television stations to broadcast from the Mt. Washington summit; now, therefore, be it:

Resolved by the House of Representatives, the Senate concurring: That the general court decries and protests the failure of Channel 8 (WMTW) to provide comprehensive coverage of New Hampshire state and local news and events; and

That the general court urges Channel 8 (WMTW) to either provide comprehensive New Hampshire state and local news coverage or to allow another television station providing such coverage to broadcast from the Mt. Washington summit; and

That copies of this resolution be forwarded to Channel 8 (WMTW) and to the Federal Communications Commission.

#### AMENDED ANALYSIS

This concurrent resolution protests the failure of Channel 8 (WMTW) of Auburn, Maine to provide comprehensive coverage of New Hampshire news and events or to allow another television station providing such coverage to broadcast from the Mt. Washington summit.

**HB 683-FN-A**, establishing a transportation task force for the twenty-first century and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The Committee felt that the bill was satisfactory in its structure to establish a transportation task force study for the 21st century. Two amendments were added to the bill: an increase of four to the total membership of the committee; and the effective date of the bill was changed from July 1, 1992 to July 1, 1991. Vote 17-0. Rep. Richard L. Haynes for Transportation.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Membership. The members of the task force shall include the following:

I. One member of the senate, appointed by the president of the senate.

II. One member of the house of representatives, appointed by the speaker of the house.

III. The commissioner of transportation, who shall be the task force chairman.

IV. The commissioner of the department of resources and economic development.

V. The director of the office of state planning.

VI. One member of the governor's advisory commission on highways, appointed by the governor.

VII. One person representing the Business and Industry Association of New Hampshire, appointed by the governor.

VIII. One person representing the New Hampshire motoring interests, appointed by the governor.

IX. One person representing the New Hampshire trucking industry, appointed by the governor.

X. One person representing the New Hampshire construction industry, appointed by the governor.

XI. One person representing the New Hampshire construction materials industry, appointed by the governor.

XII. One person representing New Hampshire environmental interests, appointed by the governor.

XIII. One person representing the New Hampshire mass transportation industry, appointed by the governor.

XIV. One person representing the commercial aviation industry, appointed by the governor.

Amend paragraph I(b) of section 3 of the bill by replacing it with the following:

(b) Propose a transportation system that shall fulfill New Hampshire's economic and social needs in the year 2000.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect July 1, 1991.

### REGULAR CALENDAR

**HB 338-FN**, prohibiting the detention of minors in adult correctional facilities and jails. RE-REFER TO COMMITTEE.

This bill needs more work to meet federal mandates. Vote 10-5. Rep. Juanita L. Bell for Children, Youth and Juvenile Justice.

Re-referred to Committee.

**HB 381-FN-A**, relative to the recovery of legal fees incurred by the state and making an appropriation therefor. OUGHT TO PASS.

The Committee supports this bill. The bill would allow for repayment by parents or in some cases the juveniles themselves, for appointed counsel or a public defender. The bill would require payment to the Office of Cost Containment. The FN calls for state expenditures of \$5,900 in FY'92 and \$6,860 in FY'93. Vote 13-3. Rep. Ellen-Ann Robinson for Children, Youth and Juvenile Justice.

Adopted.

Referred to Appropriations.

**HB 387-FN**, prohibiting cigarette vending machines in areas to which minors have access. INEXPEDIENT TO LEGISLATE.

This bill provides no method of enforcement, and would be only a violation with minimum penalty if occurrence were to be found. Inasmuch as there is no law prohibiting smoking by persons under 18, there is some conflict. The definition of access areas would be difficult to specify clearly. There is no question that smoking is not beneficial to any one, but it is felt this would not be a deterrent similar to HB 696 passed by the Committee the same date. Vote 17-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

Adopted.

**HB 392-FN**, relative to payment of child support. OUGHT TO PASS.

This bill makes equitable the opportunity for enforcement, helps keep families off the welfare rolls, takes the onus off the courts, and can defuse a potentially manipulative divorce situation. Vote 15-0. Rep. Deborah P. Mellwaine for Children, Youth and Juvenile Justice.

Adopted.

Ordered to third reading.

**HB 416-FN-A**, relative to drug-free school zones and making appropriations therefor. OUGHT TO PASS.

This bill comes before the House with the unanimous support of the Committee, the New Hampshire Police Chiefs Association, New Hampshire School Boards Association and the Governor's Office. It imposes enhanced penalties for persons who manufacture, sell, prescribe, administer, dispense, or possess with intent to sell, dispense, or compound any controlled drug within 1,000 feet of a school zone or in a school bus. The FN calls for state expenditures of \$38,510 in FY'91 and \$200 in FY'92. Vote 15-0. Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice.

Adopted.

Referred to Appropriations..

**HB 423-FN-A**, making an appropriation for health services for young children. RE-REFER TO COMMITTEE.

The Committee believes strongly that funding should be increased to the "well child" program. Unfortunately, the state doesn't have the funds at this time. The Committee will study and review the program in the off session. The FN called for state expenditures of \$400,000 in FY'92. Vote 14-0. Rep. Ellen-Ann Robinson for Children, Youth and Juvenile Justice.

Re-referred to Committee.

**HB 502-FN-A**, relative to child care resource and referral systems and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill establishes a statewide child care resource and referral system. The Committee was unanimous in its support of this service to parents in need of day care for their children. The demand for appropriate and adequate day care is increasing in this state as employers testified before the Committee and this service would facilitate a more informed public in their search for day care. Vote 17-0. Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice.

#### Amendment

Amend the bill by replacing section 5 with the following:

5 Appropriation. The sum of \$1 is hereby appropriated to the department of health and human services for the biennium ending June 30, 1993, for the purposes of this act. Half of such appropriation shall be distributed equally among qualified child care resource and referral agencies. The department is authorized to accept and expend federal and private funds that may be available for the purposes of this act. This appropriation is nonlapsing and is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted.

Ordered to third reading.



**HB 602-FN-A**, reinstating the dental program for children and making an appropriation therefor. RE-REFER TO COMMITTEE.

Due to the fiscal condition of the state, this bill will be re-referred to the Committee. It is a very important issue and must be considered when the funds are available. Vote 14-0. Rep. Josephine Mayhew for Children, Youth and Juvenile Justice.

Re-referred to Committee.

**HCR 7**, adopting a bill of rights for children. OUGHT TO PASS WITH AMENDMENT.

The Concurrent Resolution puts forth a philosophical statement of the rights of children. This language will have no force of law, but puts forth a sense of the Legislature regarding our intent to ensure the future of our children by our acknowledgment of their rights. Vote 15-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

### Amendment

Amend the resolution by replacing paragraph I of the second paragraph after the title with the following:

I. The right to enter this world loved, nurtured and with the opportunity for good health; and

Adopted.

Rep. Daniels moved that the words Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Connell spoke against.

Rep. Searles spoke in favor and yielded to questions.

Rep. Nielsen spoke in favor.

Rep. William McCain spoke against and yielded to questions.

Rep. Burling yielded to a question.

Rep. Kurk: I'm concerned about any financial consequences that might result from the rights mentioned in this resolution. Can you assure this House that parents and other individuals and government (state, county and local) will not incur any legal obligations, programmatic or financial, as a result of the passage of this resolution?

Rep. Burling: I can't speak for all the people who have supported this resolution, only for myself. Do I think that parents, individuals and government will incur additional legal obligations if this resolution passes? No, I do not. We do not intend this action to create new substantive rules of law which will, by themselves, create new mandates for state and local government. Do we intend to create an ethical measure against which we will judge the actions of government relative to our children? You bet we do!

On a division vote, 140 members having voted in the affirmative and 192 in the negative, the substitute motion lost.

Report adopted.

Ordered to third reading.

**HB 755-FN-A**, relative to a limited liability company act and appropriating funds for administration. INEXPEDIENT TO LEGISLATE.

This bill created a new type of business classification, a "limited liability company" (LLC). The LLC provided for flexibility without the restrictiveness imposed on S corporations and limited partnerships by combining the favorable tax treatment

of partnerships and the limited liability of corporations. The Committee was concerned because of the many questions left unanswered in this complex bill. The bill would have necessitated amendments to our present security laws. There were no provisions to separate management from authority; to hold annual meetings or provide for proxy voting. Currently, only five (5) states have this type of law. One such state is Wyoming where this legislation had been introduced in the '70s by special interests for mining legislation. The Committee does not feel that this is needed in New Hampshire as presented and the bill itself is severely flawed. Vote 12-2, Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Adopted.

**CACR 3**, relating to the number of terms served by state legislators. Providing that no person shall serve more than 10 years as a state senator or representative. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

**MAJORITY:** This CACR would provide that no person shall serve more than 10 years as a senator or representative. In the New Hampshire Legislature there are 60 members with over 10 years of service. Due to the size of the New Hampshire General Court and the level of pay, it is difficult in some districts to find people to run. New Hampshire does not have the problem of extended service. The majority of the Committee feels that the terms of the New Hampshire General Court should not be limited. Vote 9-3. Rep. Carol H. Holden for the Majority of Constitutional and Statutory Revision.

**MINORITY:** New Hampshire is lucky to have so many experienced and gifted Legislators. CACR 3, as amended, allows for a candidate having served 10 years to sit out one term and then run for election another 10 years. The minority feels that CACR 3 reflects the will of the people and will strengthen good government in New Hampshire. Rep. Gary R. Gilmore for the Minority of Constitutional and Statutory Revision.

Adopted.

**CACR 5**, relating to right to counsel. Providing that the state shall not be required to provide legal representation for indigent persons charged with a second or subsequent DWI or drug offense. **INEXPEDIENT TO LEGISLATE.**

The sponsor withdrew his support because the bill would have been unconstitutional or in conflict with federal law. The issue addressed by the sponsor had merit but needed more study to ensure that it would pass constitutional muster. Vote 13-0. Rep. LeRoy S. Dube for Constitutional and Statutory Revision.

Adopted.

**CACR 7**, relating to the incompatibility of holding a state office and being called up for temporary military active duty. Providing that members of military reserves and national guard units occasionally called upon in an emergency shall be allowed to hold state offices. **OUGHT TO PASS.**

CACR 7, if adopted by the necessary vote in the House and Senate, would put the following question on the ballot in November 1992: "Are you in favor of amending the Constitution to allow members of a military reserve or National Guard unit occasionally called upon to serve in the Office of Governor, Senator, Representative or Executive Councilor?"

The Committee felt that the Constitution should be so amended to allow individuals called for temporary military active duty to hold state offices. Vote 13-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Rep. Gross spoke in favor and yielded to questions.

On a division vote, 319 members having voted in the affirmative and 10 in the negative, the resolution was adopted.

Ordered to third reading.

Rep. Welch notified the Clerk that he inadvertently voted nay and intended to vote yea.

**CACR 8**, relating to conscientious objection to the method and content of education. Providing that no person shall be compelled to send any child for whom such person is legally responsible to any school to which such person may be conscientiously opposed. **INEXPEDIENT TO LEGISLATE**.

The majority of the Committee feels CACR 8 is inappropriate within the Constitution. The issues the sponsors brought in support of CACR 8 have always been dealt with through statutes. Currently, there are statutes which provide exceptions for those parents who choose to have their children educated at home or in a private school. Vote 6-5. Rep. Gary R. Gilmore for Constitutional and Statutory Revision.

Rep. Ouellette moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Gilmore spoke against.

Rep. Barberia spoke in favor.

Rep. Robinson spoke against.

Rep. Rothhaus spoke in favor and yielded to questions.

Rep. Holden spoke against.

The motion lost.

Report adopted.

**HB 349**, relative to the charter of the New Hampshire Centennial Home for the Aged. **OUGHT TO PASS**.

Since New Hampshire Centennial Home for the Aged has been chartered by the Legislature and has authority to hold property, the Committee feels this act should be approved. The Home for the Aged is exempt from taxation and used for charitable purposes. It is appropriate that the corporation be permitted to operate in a manner in its best interest. Vote 8-2. Rep. Walter F. Healy for Constitutional and Statutory Revision.

Adopted.

Ordered to third reading.

**HB 538**, to limit the terms of office for the members of the United States Congress from New Hampshire, and to limit the terms of office for the members of the New Hampshire house and senate. **INEXPEDIENT TO LEGISLATE**.

This bill would limit the terms of office for the members of the United States Congress from New Hampshire and limit the terms of office for members of the New Hampshire House and Senate. The Committee felt that this should be a CACR and questioned the constitutionality of regulating federal office holders. Vote 8-4. Rep. Ralph E. Shackett for Constitutional and Statutory Revision.

Rep. Welch spoke against and yielded to questions.

Rep. Shackett spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the Committee report.

**YEAS 292****NAYS 40****YEAS 292****BELKNAP**

Bartlett, Gordon E.  
Hawkins, Robert S.  
Joscelyn, William W.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Turner, Robert H.  
Ziegra, Alice S.

Golden, Paul A.  
Johnson, Carl R.  
Salatiello, Thomas B.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Dickinson, Howard C.  
Jean, Robert R.  
Wiggin, Gordon E.

Beach, Mildred A.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Allen R.

**CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Perry, David M.  
Sawyer, Alfred P.

Champagne, Richard L.  
DePecol, Benjamin J.  
Grodin, Richard A.  
LaMar, David M.  
Morse, Jo Ann T.  
Pratt, Irene A.  
Spear, Susan S.

Cole, Stacey W.  
Feuer, Joseph N.  
Hogan, James B.  
Laurent, John J.  
Pearson, Gertrude B.  
Riley, William A.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Therault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
Markley, J. Keith  
Scanlan, David M.  
Trelfa, Richard T.  
White, Paul R.

Arnesen, Deborah L.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Shackett, Ralph E.  
Wadsworth, Karen O.

Brown, Channing T.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Clemons, Jane A.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Donovan, Francis X.  
Durham, Susan B.

Alukonis, David J.  
Arnold, Barbara E.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cook, Valerie S.  
Crotty, Edward J.  
Desrosiers, William J.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.

Amidon, Eleanor H.  
Baker, George H., Sr.  
Buckley, Raymond  
Chasse, Richard D.  
Cote, David E.  
Daigle, Robert A.  
Dodge, Emma M.  
Drolet, Paul L.  
Dyer, Merton S.



|                           |                       |                        |
|---------------------------|-----------------------|------------------------|
| Emerton, Lawrence A.      | Fenton, James J.      | Ferguson, Charles      |
| Ferlan, Arthur P.         | Fields, Dennis H.     | Ford, Nancy M.         |
| Gage, Ruth E.             | Gagnon, Gabrielle V.  | Gosselin, Gerald O.    |
| Green, Scott E.           | Greenglass, Alan B.   | Gureckis, Adam C., Sr. |
| Haettenschwiler, Alphonse | Hanselman, Gregory L. | Healy, Daniel J.       |
| Holden, Carol H.          | Hultgren, David D.    | Jasper, Shawn N.       |
| Johnson, Lionel W.        | Jordan, Mary H.       | Keane, Cornelius J.    |
| Kelley, Robert N.         | King, Frank P.        | L'Heureux, Robert J.   |
| Lachut, Ervin R.          | Larochelle, Roger B.  | Laughlin, J. Francis   |
| Lawrence, Eva M.          | Lawrence, Norman B.   | Lefebvre, Roland J.    |
| Lown, Elizabeth D.        | Lozeau, Donnalee M.   | Martin, Mary Ellen     |
| Mason, Howard F.          | McCann, Bonnie Lou    | McDowell, James E.     |
| McNerney, Daniel P.       | McRae, Karen K.       | Mercer, Robert S.      |
| Moore, Elizabeth A.       | Murphy, Robert E.     | O'Rourke, Joanne A.    |
| Packard, Bonnie B.        | Paquette, Rodolphe G. | Perham, Lester R.      |
| Peters, Stanley W.        | Record, Alice B.      | Reidy, Frank J.        |
| Rheault, Lillian I.       | Riley, Frances L.     | Robinson, Ellen-Ann    |
| Rodgers, G. Philip        | Rothhaus, Finlay C.   | Sallada, Roland A.     |
| Searles, Stanley N., Sr.  | Smith, Leonard A.     | Soucy, Donna M.        |
| Stiles, Walter A.         | Tarpley, Nancy L.     | Tate, Joan C.          |
| Turgeon, Roland M.        | Upton, Barbara A.     | Vanderlosk, Stanley R. |
| Wheeler, Robert L.        | White, John M.        |                        |

#### MERRIMACK

|                       |                       |                      |
|-----------------------|-----------------------|----------------------|
| Apple, Lowell D.      | Asplund, Bronwyn L.   | Barberia, Richard A. |
| Braiterman, Thea      | Carter, Susan D.      | Chandler, Earle W.   |
| Chandler, John P.     | Dunn, Miriam D.       | Fair, Patricia A.    |
| Fillion, Paul R.      | Gilbreth, Robert M.   | Gross, Caroline L.   |
| Hager, Elizabeth S.   | Hill, Michael J.      | Holmes, Mary C.      |
| Jacobson, Alf E.      | Johnson, C. William   | Johnson, Joyce M.    |
| Kidder, William F.    | Letourneau, George E. | Lockwood, Robert A.  |
| Millard, Elizabeth S. | Molner, Mary E.       | Nichols, Avis B.     |
| Smith, Gerald R.      | Soldati, Jennifer G.  | Stio, Peter M.       |
| Teague, Bert          | Trombly, Rick A.      | Weeks, John F., Jr.  |
| Whittemore, James A.  | Yeaton, Charles B.    |                      |

#### ROCKINGHAM

|                        |                        |                        |
|------------------------|------------------------|------------------------|
| Barnes, John S., Jr.   | Boucher, William P.    | Buco, Stephen W.       |
| Campbell, Marilyn R.   | Caswell, Albert, Jr.   | Christie, Andrew, Jr.  |
| Clark, Martha Fuller   | Coffey, John J.        | Connell, David R.      |
| Conroy, Janet M.       | Cooke, Annette M.      | Cote, Patricia L.      |
| DiPietro, Carmela M.   | Dowd, Sandra K.        | Dowling, Patricia A.   |
| Dube, LeRoy S.         | Falwell, Robert V.     | Felch, Charles H., Sr. |
| Flanders, Harry E.     | Flanders, John W., Sr. | Ford, Bert H.          |
| Gage, Beverly A.       | Greene, Elizabeth A.   | Griebisch, Linda       |
| Haynes, Richard        | Hoar, John, Jr.        | Hurst, Sharleene P.    |
| Hynes, Carolyn E.      | Johnson, Robert A.     | Kane, Cecelia D.       |
| Katsakiores, George N. | Keith, Brenda E.       | Klemm, Arthur P., Jr.  |
| Lovejoy, Virginia K.   | MacDonald, Joseph A.   | Magoon, Harold F.      |
| McCarthy, John J., Jr. | McKinney, Betsy        | Packard, Sherman A.    |

Pantelakos, Laura C.  
Schmidtchen, Rowland H.  
Skinner, Patricia M.  
Sytek, Donna P.  
Tufts, Arthur

Rosencrantz, James R.  
Senter, Marilyn P.  
Smith, Arthur W.  
Sytek, John J.  
Vaughn, Charles L.

Schanda, Joseph, Sr.  
Simon, Peter M.  
Splaine, John E., Sr.  
Thayer, Leroy C.  
Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Hambrick, Patricia A.  
Keans, Sandra B.  
McCann, William H., Jr.  
Nehring, William H.  
Spencer, Leo J.  
Vincent, Francis C.  
Young, John B.

Bickford, Drucilla  
Flynn, Edward J.  
Hashem, Elaine M.  
Kinney, Paula J.  
Messier, Donald R.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Wall, Janet G.

Brown, Julie M.  
Foss, Patricia H.  
Jankowski, Peter M.  
Martling, W. Kent  
Musler, George T.  
Pelley, Janet R.  
Torr, Ann M.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Middleton, John A.  
Schotanus, Merle W.

Behrens, Thomas A.  
Krueger, Richard H.  
Peyron, Fredrik  
Tetu, Michael A.

Burling, Peter Hoe  
Lindblade, Eric N.  
Rodeschin, Beverly T.

### NAYS 40

### BELKNAP

Accornero, Harry

Dewhirst, Glenn E.

Maviglio, Steven R.

### CARROLL

Bradley, Jeb E.

### CHESHIRE

Cole, Kenneth A.

Kennison, Wayne A.

### COOS

Pratt, Leighton C.

### GRAFTON

Brown, Patricia B.

McIlwaine, Deborah P.

Stewart, Roger D.

### HILLSBOROUGH

Desrochers, Gerard T.  
Healy, Walter F.  
Ouellette, Robert O.

Domaingue, Jacquelyn M.  
Kelley, Dana F.  
Pepino, Leo P.

Hall, Betty B.  
Messier, Irene M.  
Wheeler, David K.

### MERRIMACK

Christie, Thomas J.  
Stapleton, Henry F.

Daneault, Gabriel J.

Jelley, Francis D.

### ROCKINGHAM

Chulack, Peter G., Sr.  
Klemarczyk, Thaddeus E.  
Raynowska, Bernard J.  
Terninko, Margaret B.  
Weyler, Kenneth L.

Drake, Herbert R.  
MacKinnon, Nancy W.  
Rubin, George R.  
Warburton, Calvin

Flanders, David A.  
Malcolm, Kenneth W.  
Syracusa, Anthony  
Welch, David A.

**STRAFFORD**

Frechette, Roland A.  
O'Brien, John

Gilmore, Gary R.

Marston, Robert E.

**SULLIVAN**

None

and the Committee Report was adopted.

**HB 56-FN**, relative to school building aid. **INEXPEDIENT TO LEGISLATE.**

The Committee felt that the \$150 million cap hinders the implementation of the proposed state formula. Also, there is no assurance that teachers working year-round would get a 25 percent increase for 25 percent more work. No solution is proposed for schools turned into town offices before the 20-year payment of state aid. The fiscal impact is undetermined. Vote 13-5. Rep. Robert M. Gilbreth for Education.

Adopted.

**HB 497-FN-A**, relative to an equipment challenge grant program for vocational and technical education programs and making an appropriation therefor. **RE-REFER TO COMMITTEE.**

This bill was introduced as the result of a long effort on the part of the State Council for Vocational Education in an attempt to identify and address the problem of equipping, on an ongoing basis our technical education programs in the secondary and postsecondary system.

The method is creative, innovative and challenging to employers and the technical educational institutions to match funds to obtain instructional equipment.

Although the bill only has an appropriation of \$1, what it attempts to do is vast and creates a new level of state involvement in the Office of State Planning with program directors to carry out the wishes of this advisory committee, as well as many other questions yet to be addressed. Vote 17-0. Rep. Bert Teague for Education.

Re-referred to Committee.

**HB 626-FN-A**, relative to a constitutional literacy exam for public officials and certain employees and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The Committee feels that legislators should be familiar with the state and federal constitutions, but an exam on their contents is the wrong approach. The Legislator Orientation Committee might explore the possibility of including some specifics of these documents for new legislators. Vote 16-0. Rep. Robert M. Gilbreth for Education.

Adopted.

**HB 729-FN**, placing New Hampshire public elementary and secondary schools under state administration and control. **INEXPEDIENT TO LEGISLATE.**

Four people testified against this bill and none for. The fiscal impact at this time would increase state expenditures by \$981,586,919 in FY'93, \$1,069,223,741 in FY'94, and \$1,166,223,417 in FY'95. Vote 17-0. Rep. Stanley N. Searles for Education.

Rep. Jacobson moved that the words Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. John White spoke in favor.

Reps. Larson and Skinner spoke against and yielded to questions.

Roll call request sufficiently seconded.  
The question being on the substitute motion.

**YEAS 76**

Hawkins, Robert S.

Jean, Robert R.

Burnham, Daniel M.  
Kingsbury, H. Thayer  
Pratt, Irene A.

None

Arnesen, Deborah L.  
White, Paul R.

Andrews, Frederick B.  
Chasse, Richard D.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Green, Scott E.  
Healy, Walter F.  
Lozeau, Donnalee M.  
Stiles, Walter A.

Apple, Lowell D.  
Holmes, Mary C.  
Johnson, C. William  
Soldati, Jennifer G.  
Weeks, John F., Jr.

Clark, Martha Fuller  
Ford, Bert H.  
Kane, Cecelia D.  
Rubin, George R.

Frechette, Roland A.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Wheeler, Katherine W.

Joscelyn, William W.

**CARROLL****CHESHIRE**

Cole, Kenneth A.  
Pearson, Gertrude B.  
Riley, William A.

**COOS**

**GRAFTON**  
Copenhaver, Marion L.

**HILLSBOROUGH**

Baker, George H., Sr.  
Crotty, Edward J.  
Dwyer, Patricia R.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Lachut, Ervin R.  
Pignatelli, Debora B.

**MERRIMACK**

Asplund, Bronwyn L.  
Jacobson, Alf E.  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Whittemore, James A.

**ROCKINGHAM**

Dowling, Patricia A.  
Griebsch, Linda  
MacKinnon, Nancy W.  
Splaine, John E., Sr.

**STRAFFORD**

Gilmore, Gary R.  
Musler, George T.  
Pelley, Janet R.

**SULLIVAN**

Burling, Peter Hoe

**NAYS 266**

Salatiello, Thomas B.

Cole, Stacey W.  
Perry, David M.

Driscoll, William J.

Baldizar, Barbara J.  
Daigle, Robert A.  
Fenton, James J.  
Gagnon, Gabrielle V.  
Hall, Betty B.  
Lefebvre, Roland J.  
Smith, Leonard A.

Dunn, Miriam D.  
Jelley, Francis D.  
Smith, Gerald R.  
Trombly, Rick A.

Dube, LeRoy S.  
Hoar, John, Jr.  
Rosencrantz, James R.

Marston, Robert E.  
O'Brien, John  
Tsiros, William

Lindblade, Eric N.



### NAYS 266 BELKNAP

Accornero, Harry  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
Golden, Paul A.  
Maviglio, Steven R.  
Turner, Robert H.  
Ziegra, Alice S.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

### CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Gordon E.

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

### CHESHIRE

Champagne, Richard L.  
Feuer, Joseph N.  
Hogan, James B.  
Laurent, John J.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Foster, Katherine D.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Spear, Susan S.

DePecol, Benjamin J.  
Grodin, Richard A.  
LaMar, David M.  
Morse, Jo Ann T.

### COOS

Brungot, Catherine V.  
Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Theriault, Romeo J.

### GRAFTON

Adams, Carl S.  
Chambers, Mary P.  
Guest, Robert H.  
Larson, Nils H., Jr.  
McIlwaine, Deborah P.  
Scanlan, David M.  
Teschner, Douglass P.  
Ward, Kathleen W.

Brown, Channing T.  
Christy, C. Dana  
Hill, Richard L.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Shackett, Ralph E.  
Trelfa, Richard T.

Brown, Patricia B.  
Dow, David  
LaMott, Paul I.  
Markley, J. Keith  
Nordgren, Sharon L.  
Stewart, Roger D.  
Wadsworth, Karen O.

### HILLSBOROUGH

Ahrens, Frederick G.  
Arnold, Barbara E.  
Buckley, Raymond  
Clemons, Jane A.  
Daniels, Gary L.  
Dodge, Emma M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Ford, Nancy M.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Johnson, Lionel W.  
Kelley, Dana F.  
Kurk, Neal M.

Alukonis, David J.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Cook, Valerie S.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Hultgren, David D.  
Jordan, Mary H.  
Kelley, Robert N.  
L'Heureux, Robert J.

Amidon, Eleanor H.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cote, David E.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Fields, Dennis H.  
Greenglass, Alan B.  
Healy, Daniel J.  
Jasper, Shawn N.  
Keane, Cornelius J.  
King, Frank P.  
Larochelle, Roger B.

Laughlin, J. Francis  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.  
Ouellette, Robert O.  
Pepino, Leo P.  
Record, Alice B.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
Turgeon, Roland M.  
Wheeler, David K.  
Wright, George W.

Lawrence, Eva M.  
Martin, Mary Ellen  
McDowell, James E.  
Mercer, Robert S.  
Murphy, Robert E.  
Packard, Bonnie B.  
Perham, Lester R.  
Reidy, Frank J.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Tarpley, Nancy L.  
Upton, Barbara A.  
Wheeler, Robert L.

Lawrence, Norman B.  
Mason, Howard F.  
McNerney, Daniel P.  
Messier, Irene M.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Peters, Stanley W.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Tate, Joan C.  
Vanderlosk, Stanley R.  
White, John M.

### MERRIMACK

Barberia, Richard A.  
Chandler, Earle W.  
Daneault, Gabriel J.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Nichols, Avis B.  
Wallner, Mary Jane

Braiterman, Thea  
Chandler, John P.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Kidder, William F.  
Lockwood, Robert A.  
Stio, Peter M.  
Yeaton, Charles B.

Carter, Susan D.  
Christie, Thomas J.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Letourneau, George E.  
Molner, Mary E.  
Teague, Bert

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Chulack, Peter G., Sr.  
Conroy, Janet M.  
DiPietro, Carmela M.  
Falwell, Robert V.  
Flanders, Harry E.  
Greene, Elizabeth A.  
Hynes, Carolyn E.  
Keith, Brenda E.  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.  
Packard, Sherman A.  
Schanda, Joseph, Sr.  
Simon, Peter M.  
Syracusa, Anthony  
Terninko, Margaret B.  
Vaughn, Charles L.  
Weyler, Kenneth L.

Boucher, William P.  
Caswell, Albert, Jr.  
Coffey, John J.  
Cooke, Annette M.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Haynes, Richard  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
McCarthy, John J., Jr.  
Pantelakos, Laura C.  
Schmidtchen, Rowland H.  
Skinner, Patricia M.  
Sytek, Donna P.  
Thayer, Leroy C.  
Warburton, Calvin  
Woods, Deborah L.

Buco, Stephen W.  
Christie, Andrew, Jr.  
Connell, David R.  
Cote, Patricia L.  
Drake, Herbert R.  
Flanders, David A.  
Gage, Beverly A.  
Hurst, Sharleene P.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Magoon, Harold F.  
McKinney, Betsy  
Raynowska, Bernard J.  
Senter, Marilyn P.  
Smith, Arthur W.  
Sytek, John J.  
Tufts, Arthur  
Welch, David A.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Hambrick, Patricia A.

Bickford, Drucilla  
Flynn, Edward J.  
Hashem, Elaine M.

Brown, Julie M.  
Foss, Patricia H.  
Jankowski, Peter M.

Keans, Sandra B.  
Messier, Donald R.  
Spencer, Leo J.  
Vincent, Francis C.

Kinney, Paula J.  
Nehring, William H.  
Sullivan, Henry P.  
Wall, Janet G.

Martling, W. Kent  
Parks, Joe B.  
Torr, Ann M.  
Young, John B.

#### SULLIVAN

Allison, David C.  
Middleton, John A.  
Schotanus, Merle W.  
and the motion lost.  
Report adopted.

Flint, Gordon B.  
Peyron, Fredrik  
Stamatakis, Carol M.

Krueger, Richard H.  
Rodeschin, Beverly T.  
Tetu, Michael A.

**HB 737-FN-A**, abolishing the university system of New Hampshire fund, requiring the state to guarantee student loans, and appropriating amount needed to repay defaulted loans. **INEXPEDIENT TO LEGISLATE.**

The methodology on this bill's Fiscal Note states that the annual liability for the State, were this to pass, would probably be in excess of \$150,000,000 (One Hundred Fifty Million dollars) annually, as well as serious implications on the state's bonded indebtedness. Vote 16-0. Rep. William A. Riley for Education.

Rep. Thomas Christie moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. William Riley spoke against.

Motion lost.

Report adopted.

**HB 211-FN-A**, relative to administrative fees of the air resources division and continually appropriating such fees. **OUGHT TO PASS WITH AMENDMENT.**

HB 211 allows for a nonlapsing fund for the Division of Air Resources. These are not new fees, ones that have been collected. The Committee is just making legal an already existing fund. Vote 17-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

#### Amendment

Amend RSA 125-C:12, IV as inserted by section 1 of the bill by replacing it with the following:

IV. As a condition of any permit required, the director may require payment of a fee to cover the reasonable costs of reviewing and acting upon the application for a permit and of implementing or enforcing the terms and conditions of a permit. The applicant shall pay any cost or expense associated with public notices or notifications in the permit process. The director shall adopt rules relative to a fee schedule for applicants and the collection of fees under the schedule. [Funds collected by the director under this section shall be used by the director in the performance of his duties under] *All fees and monetary grants, gifts, donations, or interest generated by this fund shall be deposited with the state treasurer in a special nonlapsing fund to be known as the air resources fund and shall be continually appropriated to the air resources division for the administration of this chapter.*

#### AMENDED ANALYSIS

This bill establishes a nonlapsing special fund for the division of air resources of the department of environmental services for the placement of all fees, grants, gifts, donations, or interest received by the division pursuant to its review of permit applications.

This bill continually appropriates the money in the fund to the division.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 252-FN-A**, appropriating funds for inspection of apiaries and prevention of honeybee colony contamination. **OUGHT TO PASS WITH AMENDMENT.**

To insure the continuance of the Apiary Inspections, \$15,000 is appropriated for fiscal year 1991-92. It also establishes a non-lapsing fund received from inspection fees for future apiary programs. Vote 15-2. Rep. Marilyn R. Campbell for Environment and Agriculture.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a fund for the inspection of apiaries  
to prevent honeybee colony contamination  
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Apiary Inspection Fund. Amend RSA 6:12, I by inserting after subparagraph (mm) the following new subparagraph:

(nn) Money received under RSA 429:2 and RSA 429:12, which shall be credited to the apiary inspection fund.

2 Disposition of Fees. Amend RSA 429:2 to read as follows:

429:2 Inspection. The inspector shall, annually, make such inspection of the apiaries throughout the state as may be deemed necessary to determine the presence of any bee diseases of a contagious or infectious nature and take such action as may be necessary to suppress the same. *Any fees collected for such inspections shall be deposited in the apiary inspection fund.*

3 New Paragraph; Rulemaking. Amend RSA 429:8 by inserting after paragraph V the following new paragraph:

VI. Administering the apiary inspection fund.

4 Disposition of Grants. Amend RSA 429:12 to read as follows:

429:12 Acceptance of Grants. The commissioner of agriculture authorized to accept any gifts, grants or donations from any source for the purpose of controlling American foulbrood disease of honeybees and for the purpose of research and control of all bee diseases. *Such sums shall be deposited in the apiary inspection fund established by RSA 429:12-a.*

5 New Section; Apiary Inspection Fund. Amend RSA 429 by inserting after section 12 the following new section:

429:12-a Apiary Inspection Fund. All fees collected by the commissioner under this subdivision shall be deposited with the state treasurer to be used solely for the purposes of this subdivision. The state treasurer shall establish a separate, nonlapsing account to be known as the apiary inspection fund. The moneys in the apiary inspection fund are hereby continually appropriated to the commissioner, department of agriculture, to be expended for the purposes of this subdivision.

6 Appropriation. The sum of \$15,000 for the fiscal year ending June 30, 1992, is hereby appropriated to the department of agriculture for the purpose of inspection of apiaries for the presence of the honeybee tracheal mite, varroa mite and Africanized



bee and for prevention of honeybee colony contamination by these pests in accordance with RSA 429. This appropriation shall be in addition to any other funds appropriated to the department of agriculture. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill establishes a dedicated, nonlapsing, continually appropriated fund to be called the apiary inspection fund and to be administered by the commissioner of agriculture.

The bill requires the fund to be used for the inspection of apiaries to determine the presence of bee diseases.

This bill appropriates funds for the fiscal year ending June 30, 1992, to the department of agriculture, for the inspection of apiaries and the prevention of honeybee colony contamination.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 265-FN-A**, using revenues from a solid waste cleanup fund to fund departmental positions and to pay certain cleanup costs and continually appropriating the fund to the division of waste management. RE-REFER TO COMMITTEE.

At present, there is no mechanism to clean up a solid waste site. This would establish a way of financing a cleanup and have funds available when they are needed. More time is needed to work out the details of financing and to look at financing closures. Vote 17-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

Re-referred to Committee.

**HB 735-FN-A**, establishing a solid waste cleanup fund and continually appropriating it to the division of waste management. INEXPEDIENT TO LEGISLATE.

The content of this bill is being considered in HB 265 which is being re-referred to Committee. Vote 15-0. Rep. Nancy L. Tarpley for Environment and Agriculture.

Adopted.

**HB 533-FN-A**, permitting administrative fines to be charged by the division of public health services and continually appropriating a photocopy fund to the commissioner of health and human services. INEXPEDIENT TO LEGISLATE.

The Committee felt that the rules were not explicit and that the fines were excessive. Vote 12-1. Rep. Gerald O. Gosselin for Executive Departments and Administration.

Adopted.

**HB 550-FN**, relative to the withdrawal of accumulated contributions and retirement system membership. OUGHT TO PASS.

This bill returns to employers their contributions of the Retirement System Fund as it presently does for the employees. These are contributions paid into the system during the employees' 6-month probationary period. These funds are only returned if the employee is terminated within the probationary period. Vote 14-1. Rep. Arnold P. Shibley for Executive Departments and Administration.

Adopted.

Referred to Appropriations.

**HB 214-FN-A**, creating a new class of highways for access to public waters and making an appropriation therefor. RE-REFER TO COMMITTEE.

The Committee recommends re-referral of this bill until the passage of HB 601 which will enable the Fish and Game Department to determine its effect on revenues and expenditures of the Department. Vote 16-0. Rep. Lester R. Perham for Fish and Game.

Re-referred to Committee.

**HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor. OUGHT TO PASS.

The licensing of speech pathologists is important for the consumers in New Hampshire. Speech pathologists make independent judgments regarding clients' communicative and swallowing disorders. It is important that they be licensed to ensure that persons calling themselves speech pathologists do in fact meet the rigorous standards in this bill. With the tremendous advances in technology, it is vital that these people be trained and have continuing education to keep up with the fast changing modes of treatment. Vote 15-2. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Rep. Ziegler spoke in favor.

Adopted.

Referred to Executive Departments and Administration.

**HB 686-FN-A**, establishing a trauma care registry and making an appropriation therefor. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

MAJORITY: The intent of the bill had some merit, but a majority of the Committee felt it was a duplication of data already being tabulated and an unnecessary expense at this time. Vote 11-5. Rep. Lawrence A. Chase for the Majority of Health, Human Services and Elderly Affairs.

MINORITY: The minority of the Committee felt that the most important information on the medical care provided to trauma victims is not available from other data sources at hand, but is kept at hospitals. The purpose behind this bill is to collect that data in a form that will help the understanding of how medical care is provided to trauma patients. This data is vital to the designation of trauma centers. Rep. Marion L. Copenhaver for the Minority of Health, Human Services and Elderly Affairs.

Rep. Copenhaver moved that the words Re-refer to Committee, be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. Robert Foster spoke in favor.

Adopted.

Rep. Michael Hill abstained from voting under Rule 16.

**HB 775-FN**, relative to social security cost-of-living increases to certain recipients of assistance. OUGHT TO PASS.

This bill allows the Social Security cost-of-living adjustment (COLA) to go to the residential care facilities that are responsible for caring for our frail elderly. The bill prevents the state from deducting the COLA from the state's financial obligation to the residential care facility. This bill will not cost the state any money. In fact, in the long run, HB 775 could save the state money by allowing our elderly to remain in these facilities rather than in more expensive nursing homes. Vote 14-2. Rep. Marilyn P. Senter for Health, Human Services and Elderly Affairs.

Rep. Senter moved that the words Inexpedient To Legislate, be substituted for the report of the Committee, Ought to Pass, spoke to her motion and yielded to questions. Rep. Robert Foster spoke in favor and yielded to questions.

Rep. Copenhaver spoke against.

The motion lost.

Rep. Copenhaver moved that the words Re-refer to Committee, be substituted for the report of the Committee, Ought To Pass.

Re-referred to Committee.

**HB 476-FN-A**, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. RE-REFER TO COMMITTEE.

The Committee's plan is to take some time to study the concept of alternative dispute resolution in marital matters through this bill and HB 503. Vote 14-0. Rep. Elizabeth D. Lown for Judiciary.

Re-referred to Committee.

**HB 663-FN-A**, establishing a pilot project in the Sullivan county superior court to train volunteer attorneys to serve as mediators and making an appropriation therefor. RE-REFER TO COMMITTEE.

This bill seeks to establish a pilot program to train volunteer attorneys to be mediators in Sullivan County. The cost is low, only \$4,000, but the Committee would like to hold onto this legislation so that it may be considered with other bills dealing with alternative dispute resolution (HB 530 and HB 476). Vote 14-0. Rep. Peter Hoe Burling for Judiciary.

Re-referred to Committee.

**HB 409-FN-A**, establishing an industrial heritage commission and industrial heritage park fund and making an appropriation therefor. OUGHT TO PASS.

The Committee feels this is a worthwhile project. The 17-member Commission covers many facets of government and the private sector. Private donations already have reached about \$1,000,000 with the state's cost for FY'92 \$1. The Mill Property is being donated by the Gruber family. Vote 15-0. Rep. John W. Flanders for Labor, Industrial and Rehabilitative Services.

Adopted.

Ordered to third reading.

**HB 156-FN-A**, establishing a committee to study the feasibility of constructing an access road from West Franklin to exit 19 on I-93 and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

The bill calls for yet another study for an access road to Exit 19 on I-93. None of the sponsors appeared. The Franklin City Manager gave the bill only conditional support while the Lakes Regional Planning Commission "is not really opposed." The Committee felt there was no community support for this bill. Vote 17-0. Rep. Roland A. Frechette for Public Works.

Adopted.

**HB 258**, to extend the lapse date for the phase V prison construction appropriation. OUGHT TO PASS.

This bill extends the lapse date for Phase V prison construction of \$2,000,000 to be used to renovate existing buildings at the Laconia State School. Despite the thoughtful testimony of Laconia area residents, the Committee feels this proposal is the best use for the complex at this time. After touring the facility, and assessing the quality of the

existing buildings, the Committee felt that the "Camp Success" proposal at Laconia was the best way to house our ever-increasing prison population and the best use for the existing empty complex. Vote 12-3. Rep. David K. Wheeler for Public Works.

Rep. Rosen moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass and spoke to his motion.

Rep. Gene Chandler spoke against.

Rep. McRae spoke in favor.

Reps. Nielsen and David Wheeler spoke against.

Rep. Soldati spoke in favor.

Rep. Donna Sytek spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

### YEAS 65

Dewhirst, Glenn E.  
Johnson, Carl R.  
Salatiello, Thomas B.

None

Burnham, Daniel M.  
Laurent, John J.

Theriault, Romeo J.

Arnesen, Deborah L.  
Stewart, Roger D.

Cook, Valerie S.  
Donovan, Francis X.  
Fenton, James J.  
Gage, Ruth E.  
Hanselman, Gregory L.  
Laughlin, J. Francis  
Messier, Irene M.  
Riley, Frances L.

Barberia, Richard A.  
Dunn, Miriam D.

Falwell, Robert V.  
Kane, Cecelia D.  
Thayer, Leroy C.

### YEAS 65 BELKNAP

Golden, Paul A.  
Joselyn, William W.  
Vogler, Charles C.

### CARROLL

### CHESHIRE

Cole, Kenneth A.  
Morse, Jo Ann T.

### COOS

### GRAFTON

Copenhaver, Marion L.  
Trelfa, Richard T.

### HILLSBOROUGH

Cote, David E.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gosselin, Gerald O.  
King, Frank P.  
McNerney, Daniel P.  
Nardi, Theodora P.  
Wheeler, Robert L.

### MERRIMACK

Braiterman, Thea  
Nichols, Avis B.

### ROCKINGHAM

Flanders, David A.  
Rubin, George R.  
Warburton, Calvin

### NAYS 266

Holbrook, Robert G.  
Rosen, Ralph J.  
Ziegler, Alice S.

DePecol, Benjamin J.

Nordgren, Sharon L.

Domaingue, Jacquelyn M.  
Dwyer, Patricia R.  
Ferlan, Arthur P.  
Haettenschwiller, Alphonse  
Larochelle, Roger B.  
McRae, Karen K.  
Pignatelli, Debora B.  
Wright, George W.

Christie, Thomas J.  
Soldati, Jennifer G.

Hutchinson, Karen K.  
Smith, Arthur W.  
Welch, David A.



**STRAFFORD**

Gilmore, Gary R.  
O'Brien, John

McCann, William H., Jr.    Merrill, Amanda A.

**SULLIVAN**

Flint, Gordon B.

Lindblade, Eric N.

**NAYS 266****BELKNAP**

Accornero, Harry  
Hawkins, Robert S.  
Turner, Robert H.

Bartlett, Gordon E.  
Maviglio, Steven R.  
Zaharchuk, Peter J., Jr.

Campbell, Richard H., Jr.  
Shibley, Arnold P.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Allen R.

Beach, Mildred A.  
Dickinson, Howard C.  
Jean, Robert R.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

**CHESHIRE**

Champagne, Richard L.  
Feuer, Joseph N.  
Hogan, James B.  
LaMar, David M.  
Perry, David M.  
Sawyer, Alfred P.

Cole, Stacey W.  
Foster, Katherine D.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Pratt, Irene A.  
Spear, Susan S.

Crutchley, Donald O.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.  
Riley, William A.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Marsh, Beaton  
Oliver, Terry D.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Pratt, Leighton C.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
Markley, J. Keith  
Shackett, Ralph E.  
Ward, Kathleen W.

Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
White, Paul R.

Brown, Patricia B.  
Dow, David  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Dodge, Emma M.  
Dyer, Merton S.  
Ford, Nancy M.  
Greenglass, Alan B.

Alukonis, David J.  
Arnold, Barbara E.  
Buckley, Raymond  
Chasse, Richard D.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Gagnon, Gabrielle V.  
Gureckis, Adam C., Sr.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Burke, Stephen J.  
Clemons, Jane A.  
Daigle, Robert A.  
Desrosiers, William J.  
Durham, Susan B.  
Fields, Dennis H.  
Green, Scott E.  
Hall, Betty B.

Healy, Daniel J.  
 Hultgren, David D.  
 Jordan, Mary H.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lown, Elizabeth D.  
 Mason, Howard F.  
 Mercer, Robert S.  
 O'Rourke, Joanne A.  
 Paquette, Rodolphe G.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Rothhaus, Finlay C.  
 Smith, Leonard A.  
 Tarpley, Nancy L.  
 Upton, Barbara A.  
 White, John M.

Healy, Walter F.  
 Jasper, Shawn N.  
 Keane, Cornelius J.  
 Kurk, Neal M.  
 Lawrence, Eva M.  
 Lozeau, Donnalee M.  
 McCann, Bonnie Lou  
 Moore, Elizabeth A.  
 Ouellette, Robert O.  
 Pepino, Leo P.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Sallada, Roland A.  
 Soucy, Donna M.  
 Tate, Joan C.  
 Vanderlosk, Stanley R.

Holden, Carol H.  
 Johnson, Lionel W.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lawrence, Norman B.  
 Martin, Mary Ellen  
 McDowell, James E.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Perham, Lester R.  
 Reidy, Frank J.  
 Rodgers, G. Philip  
 Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 Wheeler, David K.

### MERRIMACK

Apple, Lowell D.  
 Chandler, Earle W.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Jelley, Francis D.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Teague, Bert  
 Whittemore, James A.

Asplund, Bronwyn L.  
 Chandler, John P.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Holmes, Mary C.  
 Johnson, C. William  
 Letourneau, George E.  
 Millard, Elizabeth S.  
 Stapleton, Henry F.  
 Trombly, Rick A.  
 Yeaton, Charles B.

Carter, Susan D.  
 Daneault, Gabriel J.  
 Gilbreth, Robert M.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Johnson, Joyce M.  
 Lewis, Mary Ann  
 Molner, Mary E.  
 Stio, Peter M.  
 Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Dube, LeRoy S.  
 Ford, Bert H.  
 Haynes, Richard  
 Hynes, Carolyn E.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Rosencrantz, James R.  
 Simon, Peter M.  
 Sytek, John J.  
 Vaughn, Charles L.

Boucher, William P.  
 Christie, Andrew, Jr.  
 Coffey, John J.  
 Cooke, Annette M.  
 Dowling, Patricia A.  
 Felch, Charles H., Sr.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Pantelakos, Laura C.  
 Roulston, Donald L.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Weyler, Kenneth L.

Buco, Stephen W.  
 Chulack, Peter G., Sr.  
 Connell, David R.  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Flanders, John W., Sr.  
 Griebisch, Linda  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 MacKinnon, Nancy W.  
 McCain, William F.  
 Melnick, Roy E.  
 Raynowska, Bernard J.  
 Senter, Marilyn P.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Woods, Deborah L.

**STRAFFORD**

|                       |                       |                     |
|-----------------------|-----------------------|---------------------|
| Appleby, James E.     | Bickford, Drucilla    | Brown, Julie M.     |
| Douglass, Clyde J.    | Flynn, Edward J.      | Foss, Patricia H.   |
| Frechette, Roland A.  | Hambrick, Patricia A. | Hashem, Elaine M.   |
| Jankowski, Peter M.   | Keans, Sandra B.      | Kinney, Paula J.    |
| Martling, W. Kent     | Messier, Donald R.    | Nehring, William H. |
| Pageotte, Donald P.   | Parks, Joe B.         | Pelley, Janet R.    |
| Spencer, Leo J.       | Sullivan, Henry P.    | Torr, Ann M.        |
| Tsiros, William       | Vincent, Francis C.   | Wall, Janet G.      |
| Wheeler, Katherine W. | Young, John B.        |                     |

**SULLIVAN**

|                      |                       |                     |
|----------------------|-----------------------|---------------------|
| Behrens, Thomas A.   | Krueger, Richard H.   | Middleton, John A.  |
| Peyron, Fredrik      | Rodeschin, Beverly T. | Schotanus, Merle W. |
| Stamatakis, Carol M. | Tetu, Michael A.      |                     |

and the motion lost.

Report adopted.

Referred to Appropriations.

**HB 323-A**, relative to the Cheshire Bridge and making an appropriation therefor. **OUGHT TO PASS.**

In its feasibility study of April 1987, the Department of Transportation recommended purchasing and operating this interstate bridge across the Connecticut River. Legislation to that effect was enacted in 1988. This bill increases the amount to be bonded to current cost estimates, and bond service and operating costs will be paid by local tolls. There is no net cost to the state in acquiring this bridge, as the increase in the toll will offset the expense of purchasing and repaving the bridge. Vote 9-7. Rep. Roland A. Frechette for Public Works.

Adopted.

Referred to Appropriations.

**HB 328-A**, relative to the site location, design and planning of a new Manchester district court facility and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The Committee unanimously agrees that the existing Manchester District Court building, which was constructed in 1902, is deficient in space and design to adequately serve the needs of the city's civil and criminal system.

The bill and amendment provide 5-year financing rather than 10-year bonding for the site location, design and architectural plans for a new court facility. Vote 15-0. Rep. Joanne A. O'Rourke for Public Works.

**Amendment**

Amend the bill by replacing section 3 with the following:

3 Bonds Authorized. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$250,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general fund of the state. The bonds shall be 5-year bonds.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 393-A**, relative to preliminary designs, an environmental impact statement for improving access to the Manchester airport, re-establishing a legislative task force and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The Committee unanimously approved requiring the Department of Transportation to create preliminary designs and an environmental impact statement on highway improvements needed to facilitate access to the Manchester Airport. The bill also re-establishes a task force created in the 1989 session to continue studying means to improve access to the Manchester Airport. The amendment adds the State Treasurer to the Task Force. Vote 16-0. Rep. Joanne A. O'Rourke for Public Works.

#### **Amendment**

Amend paragraph II of section 2 of the bill by inserting after subparagraph (m) the following:

(n) The treasurer of the state of New Hampshire, or designee.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 427-A**, relative to additional improvements on Gosling Road and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 427, as amended, provides a 6.8 million dollar charge against the turnpike fund and authorizes bonding for that amount. With the redevelopment of Pease moving along, it seems the best time to build these improvements at Gosling Road, as the traffic and related activities will never be lighter. This is a dangerous area that should be corrected even if activity at Pease were not going to increase. The Department of Transportation hopes to begin movement on this project by May or June of this year. The Committee was unanimous in its support of this important piece of legislation. Vote 14-0. Rep. Gene G. Chandler for Public Works.

#### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Gosling Road; Additional Improvements. The department of transportation is hereby authorized to perform improvements to Gosling Road, in addition to the improvements anticipated by RSA 237:2, VI to accommodate expected increases in traffic due to the redevelopment of Pease Air Force Base. The fiscal year estimated completion date for RSA 237:2, VI shall be extended, therefore, through fiscal year 1992.

2 Appropriation. The sum of \$6,800,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 1992, for the purposes of section 1. This appropriation is in addition to any other appropriation for the department of transportation and shall be a charge against the turnpike fund.

3 Bonds. To provide funds for the appropriation in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$6,800,000 and for said purpose may issue turnpike system revenue bonds in the name of and on behalf of the state of New Hampshire in accordance with RSA 237-A.

4 Effective Date. This act shall take effect upon its passage.

Adopted.



Report adopted.

Referred to Appropriations.

**HB 448-A**, appropriating funds for environmental and engineering design studies for the Ledyard Bridge in Hanover and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

Ledyard Bridge is, in the opinion of the Department of Transportation, one of the two bridges in the state which most need repair and/or replacement. It is scheduled to be replaced in the 10-year plan. Vote 15-0. Rep. A. Gibb Dodge for Public Works.

#### Amendment

Amend the bill by replacing section 3 of the bill with the following:

3 Contingency. The study authorized by section 2, paragraph III of this act shall not take effect until the state of Vermont approves appropriate cost sharing for the portion of the studies' costs related to the bridge and approach roadways within the state of Vermont.

#### AMENDED ANALYSIS

This bill appropriates funds for environmental and engineering design studies for the Ledyard Bridge between Hanover, New Hampshire and Norwich, Vermont.

The study of the bridge's approved roadways in Vermont is contingent upon Vermont approving appropriate cost sharing for the costs of that portion of the study.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 469-A**, relative to improvements on route 106 and making an appropriation therefor. RE-REFER TO COMMITTEE.

The Committee feels that the intent of this bill has merit, but that the bill should be re-referred because a study of the subject is presently being done and that study has a completion date in August. Vote 15-0. Rep. Gene G. Chandler for Public Works.

Re-referred to Committee.

**HB 535-FN-A**, relative to land acquisition for the Nashua Municipal Airport and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

The Committee is not necessarily opposed to the project proposed by this bill. Rather, it feels that this project would be more appropriately considered along with other aviation projects in the Capital Budget. Vote 15-0. Rep. David J. Alukonis for Public Works.

Adopted.

**HB 660-FN-A**, establishing a highway betterment program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill increases the tax on all motor fuel by two cents per gallon and dedicates it to highway and bridge work. The sad news is the highway fund is broke. There is no money in the budget for repaving or bridge work. The state needs to repair about 600 miles of roads per year as part of regular maintenance. If we don't act now to repair our roads and bridges, the cost will be three times as much for rebuilding. Vote 12-4. Rep. Sandra B. Keans for Public Works.

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a highway and bridge betterment program  
and making an appropriation therefor.

Amend the bill by replacing section 2 with the following:

2 New Section; Highway and Bridge Betterment Program. Amend RSA 235 by inserting after section 23 the following new section:

235:23-a Highway and Bridge Betterment Program; Funding.

I. There is established a highway and bridge betterment program for the purpose of highway construction, reconstruction, and resurfacing, and for bridge construction, bridge reconstruction and bridge maintenance, in each highway district in the state and for the purpose of insuring maximum utilization of federal aid highway allocation.

II. The program shall be funded from \$.02 per gallon of the road toll imposed under RSA 260:32; of these revenues, in each fiscal year 88 percent shall be deposited into a separate account established in the highway fund called the highway and bridge betterment account, to be allocated as provided in paragraph III. The remaining 12 percent shall be distributed in accordance with the formula in RSA 235:23, I, and shall be in addition to any amounts to be allocated under that paragraph.

III. The commissioner shall allocate the funds in the highway and bridge betterment account for the 6 state highway districts in the following priority:

(a) To insure the maximum utilization of federal aid highway allocation; and

(b) For each state highway district in the state, based upon a formula in which 1/2 of the amount of the funds distributed is based upon the proportion which the mileage of state-maintained class I, class II, and class III highways, excluding turnpikes, in each district, as of January 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount of the funds distributed is based upon the proportion which the office of state planning population estimate of each district bears to the latest estimate of the total population of the state as of July 1 of the year of the estimate.

IV. The commissioner shall prepare a report not later than December 1 of each year which details the way in which the transportation department has expended funds for highway construction, reconstruction, and resurfacing, and for bridge construction, bridge reconstruction and bridge maintenance according to the provisions of paragraph III. The report shall be submitted no later than December 1 of each year to the president of the senate, the speaker of the house, the governor, the chairman of the house public works committee, and the chairman of the senate capital budget committee.

Amend the bill by replacing sections 5 and 6 with the following:

5 Supplemental Appropriation; Funding for Fiscal Year 1992.

I. The sum of \$11,000,000 for the fiscal year ending June 30, 1992, is hereby appropriated to the department of transportation project development division as non-matching funds for the highway and bridge betterment program. These sums shall be in addition to any other funds appropriated to the division for betterments and shall be allocated in accordance with RSA 235:23-a as inserted by section 2 of this act.

II. The appropriation in paragraph I is an estimate of the amount to be collected under the floor tax imposed by section 4 of this act. If the amount collected is less than the amount appropriated in paragraph I, a sum is hereby appropriated equal to the difference between the amount collected and the amount appropriated and shall be a charge against the highway fund.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a highway and bridge betterment program for the purposes of highway construction, reconstruction, and resurfacing, and for bridge construction, reconstruction and bridge maintenance, and to insure maximum utilization of federal aid highway allocation.

Funding for the program comes from a \$.02 increase in the road toll on motor fuel. The program's funding for the first year comes from a gasoline floor tax. The additional road toll shall be deposited in the highway fund. Of the total revenues derived from \$.02 of the gasoline tax, 88 percent is distributed to the 6 state highway districts for highway and bridge betterment, according to a formula, with the remaining 12 percent of the moneys being distributed according to the formula in RSA 235:23, I.

Adopted.

Report adopted.

Referred to Ways and Means.

Rep. DePecol notified the Clerk that he wished to recorded in opposition to HB 660.

**HB 671-FN-A**, increasing the gasoline tax and earmarking the percentage increase in the gasoline tax for mass transit, elderly, and handicapped transportation purposes. **INEXPEDIENT TO LEGISLATE.**

This bill is in direct violation of Article 6-A of the New Hampshire Constitution, in that funds raised by taxation of motor fuel would be earmarked for non-highway uses. Vote 10-5. Rep. Daniel P. McNerney for Public Works.

Rep. Nardi moved that the words Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to her motion and withdrew her motion.

Adopted.

**HB 764-FN**, relative to taxation of special fuel and motor fuel. **OUGHT TO PASS WITH AMENDMENT.**

This is a good bill for the state, one that is long overdue. It collects the tax for diesel at the pump just like gasoline. Cash flow to the state will be substantially increased because the money will be collected monthly instead of quarterly. This allows for tighter controls and eliminates loss of revenue from those businesses that might dissolve and never pay the tax. It will in no way add administrative costs to the dealers because they already file reports for the gasoline taxes that have been collected nor will it add administrative costs to the Department of Safety, but in fact will simplify its operations. The Departments of Safety and Transportation testified in full support of this bill. Vote 13-3. Rep. Nanci A. Allard for Public Works.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to taxation of special fuel and motor fuel  
and imposing a floor tax on special fuel.

Amend the bill by inserting after section 45 the following and renumbering the original sections 46 and 47 to read as 47 and 48, respectively:

46 Special Fuel Floor Tax Imposed. Notwithstanding any other provision of law, there is hereby imposed on all special fuel on which the road toll has not been paid or assessed, in the possession of any retail dealer at 12:01 a.m. January 1, 1992, a tax in the amount of \$0.16 per gallon. All retail dealers shall determine their inventory of special fuel at 12:01 a.m. January 1, 1992, by measuring the special fuel in their possession and shall forward such inventory to the commissioner of safety. These retail dealers shall pay the tax imposed under this act to the commissioner of safety at the time of filing the inventory required under this section. All such inventories shall be filed and the tax paid no later than February 1, 1992. The commissioner of safety is hereby authorized to require any person liable to pay the tax imposed under this section to furnish such information as he shall deem necessary. The commissioner may adopt such reasonable rules and regulations as may be necessary to enforce this section. Such rules and regulations shall be deemed emergency in nature and shall not be subject to RSA 541-A. Any person who furnishes false information, regarding the inventory which he has, which is taxable pursuant to this section shall be guilty of a misdemeanor.

#### AMENDED ANALYSIS

The bill causes diesel fuel to be taxed at the pump. The bill also clarifies existing language relative to road tolls and motor fuel, including changing references from director to commissioner in certain provisions. The bill also adds several definitions to the motor vehicle definitions.

The bill imposes a floor tax on special fuel in the amount of \$0.16 per gallon.

The bill also provides for a refund within 90 days of the effective date of this act to any user of motor fuel who has a remaining balance in any pre-paid user account.

This bill is a request of the department of safety.

Adopted.

Report adopted.

Referred to Ways and Means.

**HB 297-FN-A**, authorizing the racing commission to license electronic games of chance wherever licensed pari-mutuel wagering takes place. RE-REFER TO COMMITTEE.

The Committee felt that the potential for revenue represented by this bill warrants further study at the present time. South Dakota and Montana (not exactly meccas of tourism!) both realized revenues of \$17,000,000 to the state last year. Vote 16-3. Rep. Stephen W. Buco for Regulated Revenues.

Rep. Nancy Ford moved that the words Inexpedient to Legislate, be substituted for the report of the Committee, Re-refer to Committee, spoke to her motion and yielded to questions.

Rep. Theriault spoke against.

Rep. Buco spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.



**YEAS 118**

Accornero, Harry  
Holbrook, Robert G.  
Zaharchuk, Peter J., Jr.

Bradley, Jeb E.

Cole, Kenneth A.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Sawyer, Alfred P.

Brungot, Catherine V.

Adams, Carl S.  
Christy, C. Dana  
Guest, Robert H.  
Ward, Kathleen W.

Amidon, Eleanor H.  
Daniels, Gary L.  
Durham, Susan B.  
Ford, Nancy M.  
Hanselman, Gregory L.  
Lawrence, Eva M.  
Mason, Howard F.  
Messier, Irene M.  
Perham, Lester R.  
Smith, Leonard A.  
Vanderlosk, Stanley R.  
Wright, George W.

Carter, Susan D.  
Gilbreth, Robert M.  
Johnson, Joyce M.  
Lockwood, Robert A.  
Teague, Bert

Christie, Andrew, Jr.  
Falwell, Robert V.  
Kane, Cecelia D.  
Raynowska, Bernard J.  
Terninko, Margaret B.  
Warburton, Calvin

Campbell, Richard H., Jr.  
Salatiello, Thomas B.  
Ziegra, Alice S.

Dodge, A. Gibb, Jr.

Cole, Stacey W.  
Feuer, Joseph N.  
LaMar, David M.

Horton, Lynn C.

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.

Baldizar, Barbara J.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Haettenschwiller, Alphonse  
Hultgren, David D.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Peters, Stanley W.  
Stiles, Walter A.  
Wheeler, David K.

Chandler, Earle W.  
Hager, Elizabeth S.  
Kidder, William F.  
Molner, Mary E.  
Weeks, John F., Jr.

Coffey, John J.  
Flanders, David A.  
Keith, Brenda E.  
Skinner, Patricia M.  
Tufts, Arthur

**NAYS 218**

Golden, Paul A.  
Vogler, Charles C.

Crutchley, Donald O.  
Foster, Katherine D.  
Pratt, Irene A.

Brown, Patricia B.  
Dow, David  
Nordgren, Sharon L.

Buckley, Raymond  
Drabinowicz, A. Theresa  
Ferlan, Arthur P.  
Hall, Betty B.  
Keane, Cornelius J.  
Martin, Mary Ellen  
McRae, Karen K.  
Packard, Bonnie B.  
Rheault, Lillian I.  
Tarpley, Nancy L.  
Wheeler, Robert L.

Chandler, John P.  
Jacobson, Alf E.  
Lewis, Mary Ann  
Soldati, Jennifer G.  
Yeaton, Charles B.

Conroy, Janet M.  
Hoar, John, Jr.  
Melnick, Roy E.  
Splaine, John E., Sr.  
Vaughn, Charles L.

**STRAFFORD**

Appleby, James E.  
 Gilmore, Gary R.  
 Martling, W. Kent  
 Nehring, William H.  
 Spencer, Leo J.  
 Young, John B.

Bickford, Drucilla  
 Hambrick, Patricia A.  
 McCann, William H., Jr.  
 O'Brien, John  
 Wall, Janet G.

Foss, Patricia H.  
 Hashem, Elaine M.  
 Merrill, Amanda A.  
 Pelley, Janet R.  
 Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
 Krueger, Richard H.

Burling, Peter Hoc  
 Tetu, Michael A.

Flint, Gordon B.

**NAYS 218****BELKNAP**

Bartlett, Gordon E.  
 Johnson, Carl R.  
 Rosen, Ralph J.

Dewhirst, Glenn E.  
 Joscelyn, William W.  
 Shibley, Arnold P.

Hawkins, Robert S.  
 Maviglio, Steven R.  
 Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
 Dickinson, Howard C.  
 Saunders, Howard N.

Beach, Mildred A.  
 Foster, Robert W.  
 Wiggin, Allen R.

Chandler, Gene G.  
 Jean, Robert R.  
 Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
 Kennison, Wayne A.  
 Lynch, Margaret A.  
 Perry, David M.

Champagne, Richard L.  
 Kingsbury, H. Thayer  
 Morse, Jo Ann T.  
 Spear, Susan S.

Hogan, James B.  
 Laurent, John J.  
 Pearson, Gertrude B.

**COOS**

Coulombe, Henry W.  
 Kilbride, Dennis J.  
 Nelson, Harold D.  
 Theriault, Romeo J.

Guay, Lawrence J.  
 Marsh, Beaton  
 Oliver, Terry D.

Hawkinson, Marie C.  
 Mayhew, Josephine  
 Pratt, Leighton C.

**GRAFTON**

Brown, Channing T.  
 Hill, Richard L.  
 Markley, J. Keith  
 Scanlan, David M.  
 Teschner, Douglass P.  
 White, Paul R.

Chambers, Mary P.  
 LaMott, Paul I.  
 McIlwaine, Deborah P.  
 Shackett, Ralph E.  
 Trelfa, Richard T.

Driscoll, William J.  
 Lougee, Richard W.  
 Nielsen, Niels F., Jr.  
 Stewart, Roger D.  
 Wadsworth, Karen O.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Andrews, Frederick B.  
 Bourque, Ann J.  
 Chasse, Richard D.  
 Cote, David E.  
 Daigle, Robert A.  
 Dodge, Emma M.  
 Dyer, Merton S.  
 Ferguson, Charles

Ahrens, Frederick G.  
 Arnold, Barbara E.  
 Burke, Stephen J.  
 Clemons, Jane A.  
 Cowenhoven, Garret P.  
 Desrochers, Gerard T.  
 Domaingue, Jacquelyn M.  
 Emerton, Lawrence A.  
 Fields, Dennis H.

Alukonis, David J.  
 Baroody, Benjamin C.  
 Calawa, Leon, Jr.  
 Cook, Valerie S.  
 Crotty, Edward J.  
 Desrosiers, William J.  
 Drolet, Paul L.  
 Fenton, James J.  
 Gage, Ruth E.

Gagnon, Gabrielle V.  
Greenglass, Alan B.  
Healy, Walter F.  
Johnson, Lionel W.  
Kelley, Robert N.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
Mercer, Robert S.  
Ouellette, Robert O.  
Record, Alice B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Tate, Joan C.  
White, John M.

Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Jordan, Mary H.  
King, Frank P.  
Lachut, Ervin R.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Turgeon, Roland M.

Green, Scott E.  
Healy, Daniel J.  
Jasper, Shawn N.  
Kelley, Dana F.  
Kurk, Neal M.  
Larochelle, Roger B.  
Lefebvre, Roland J.  
McDowell, James E.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
Upton, Barbara A.

### MERRIMACK

Apple, Lowell D.  
Braiterman, Thea  
Dunn, Miriam D.  
Hayes, Robert C.  
Jelley, Francis D.  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Whittemore, James A.

Asplund, Bronwyn L.  
Christie, Thomas J.  
Fillion, Paul R.  
Hill, Michael J.  
Johnson, C. William  
Nichols, Avis B.  
Stio, Peter M.

Barberia, Richard A.  
Daneault, Gabriel J.  
Gross, Caroline L.  
Holmes, Mary C.  
Letourneau, George E.  
Smith, Gerald R.  
Trombly, Rick A.

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Clark, Martha Fuller  
Cote, Patricia L.  
Dowling, Patricia A.  
Felch, Charles H., Sr.  
Ford, Bert H.  
Haynes, Richard  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
McCain, William F.  
Packard, Sherman A.  
Roulston, Donald L.  
Senter, Marilyn P.  
Syracusa, Anthony  
Thayer, Leroy C.  
Woods, Deborah L.

Boucher, William P.  
Caswell, Albert, Jr.  
Connell, David R.  
DiPietro, Carmela M.  
Drake, Herbert R.  
Flanders, Harry E.  
Gage, Beverly A.  
Hurst, Sharleene P.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Pantelakos, Laura C.  
Rubin, George R.  
Simon, Peter M.  
Sytek, Donna P.  
Welch, David A.

Buco, Stephen W.  
Chulack, Peter G., Sr.  
Cooke, Annette M.  
Dowd, Sandra K.  
Dube, LeRoy S.  
Flanders, John W., Sr.  
Gribsch, Linda  
Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Rosencrantz, James R.  
Schanda, Joseph, Sr.  
Smith, Arthur W.  
Sytek, John J.  
Weyler, Kenneth L.

### STRAFFORD

Brown, Julie M.  
Jankowski, Peter M.  
Messier, Donald R.  
Torr, Ann M.

Douglass, Clyde J.  
Keans, Sandra B.  
Pageotte, Donald P.  
Tsiros, William

Flynn, Edward J.  
Kinney, Paula J.  
Sullivan, Henry P.  
Vincent, Francis C.

## SULLIVAN

Behrens, Thomas A.

Lindblade, Eric N.

Middleton, John A.

Peyron, Fredrik

Rodeschin, Beverly T.

Schotanus, Merle W.

Stamatakis, Carol M.

and the motion lost.

Re-referred to Committee.

**HB 443-FN-A**, relative to shoreland protection and making an appropriation therefor and relative to water user fees. **OUGHT TO PASS WITH AMENDMENT.**

New Hampshire's lakes, rivers and streams are among its most valuable and fragile natural resources. Clean water makes our state a special place to live, and brings economic benefits through tourism as well. The state has a duty to protect these waters, which are under threat because of reckless development along its shorelands. Recognizing this, the Legislature and the Governor appointed a committee to examine what measures should be taken to ensure clean lakes, rivers, and bays for generations to come. The Committee included representatives from the New Hampshire Municipal Association, New Hampshire Home Builders Association, New Hampshire Association of Planning Commissions, New Hampshire Association of Realtors, and Lakes Associations. House Bill 443 is the result of the Committee's work, and is a sound compromise. Among its provisions are an increase in the setbacks for septic systems, restrictions on cutting trees along shorelands for erosion control, and technical assistance to towns to develop shoreland protection ordinances. The bill is "revenue neutral." The Committee strongly endorses this legislation as a giant step toward protecting our public waters. Vote 15-1. Rep. Steven R. Maviglio for Resources, Recreation and Development.

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Comprehensive Shoreland Protection Act. Amend RSA by inserting after chapter 483-A the following new chapter:

**CHAPTER 483-B****COMPREHENSIVE SHORELAND PROTECTION ACT**

483-B:1 Purpose. The general court finds that:

I. The shorelands of the state are among its most valuable and fragile natural resources and their protection is essential to maintain the integrity of public waters.

II. The public waters of New Hampshire are valuable resources held in trust by the state. The state has an interest in protecting those waters and has the jurisdiction to control the use of the public waters and the adjacent shoreland for the greatest public benefit.

III. There is great concern throughout the state relating to the utilization, protection, restoration and preservation of shorelands because of their effect on state waters.

IV. Under current law the potential exists for uncoordinated, unplanned and piecemeal development along the state's shorelines, which could result in significant negative impacts on the public waters of New Hampshire.

483-B:2 Minimum Standards Required. To fulfill the state's role as trustee of its waters and to promote public health, safety, and the general welfare, the general court declares that the public interest requires the establishment of standards for the subdivision, use, and development of the shorelands of the state's public waters. The development standards provided in this chapter shall be the minimum standards necessary



to protect the public waters of the state of New Hampshire. These standards shall serve to:

- I. Further the maintenance of safe and healthful conditions.
  - II. Provide for the wise utilization of water and related land resources.
  - III. Prevent and control water pollution.
  - IV. Protect fish spawning grounds, aquatic life, and bird and other wildlife habitats.
  - V. Protect buildings and lands from flooding and accelerated erosion.
  - VI. Protect archaeological and historical resources.
  - VII. Protect commercial fishing and maritime industries.
  - VIII. Protect freshwater and coastal wetlands.
  - IX. Control building sites, placement of structures, and land uses.
  - X. Conserve shore cover, and visual as well as actual points of access to inland and coastal waters.
  - XI. Preserve the state's rivers, lakes, estuaries and coastal waters in their natural state.
  - XII. Promote wildlife habitat, scenic beauty, and scientific study.
  - XIII. Protect public use of waters, including recreation.
  - XIV. Conserve natural beauty and open spaces.
  - XV. Anticipate and respond to the impacts of development in shoreland areas.
- 483-B:3 Consistency Required.

I. All state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter.

II. When the standards and practices established in this chapter conflict with other local or state laws and rules, the more stringent standard shall control.

III. All agricultural activities and operations in the state as defined in RSA 21:34-a and as governed by RSA 430, including the use of animal manure, lime, wood ash, irrigation, and other agricultural technologies, shall be exempt from the provisions of this chapter, provided such activities and operations are in conformance with best management practices determined by the United States Department of Agriculture Soil Conservation Service, the United States Department of Agriculture Cooperative Extension Service and the department of agriculture.

483-B:4 Definitions. In this chapter:

I. "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

II. "Accessory structure" means a structure detached from the primary building on the same lot and customarily incidental and subordinate to the primary building or use, such as a pump house, gazebo or woodshed.

III. "Basal area" means the cross sectional area of a tree measured at a height of 4-1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.

IV. "Commissioner" means the commissioner of the department of environmental services or designee.

V. "Department" means the department of environmental services.

VI. "Disturbed area" means an area in which natural vegetation is removed, exposing the underlying soil.

VII. "Ground cover" means any herbaceous plant which normally grows to a mature height of 4 feet or less.

VIII. "Lot of record" means a parcel, the plat or description of which has been recorded at the registry of deeds for the county in which it is located.

IX. "Major project" means a proposal which, upon full implementation, would create 4 or more dwelling units, or 10,000 square feet of interior floor space for any nonresidential purpose.

X. "Municipality" means a city, town, village district if specifically authorized to zone by the legislature, or county in respect to unincorporated towns or unorganized places.

XI. "Natural woodland buffer" means a forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.

XII. "Person" means a corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and any political subdivision of a state or any agency or instrumentality thereof.

XIII. "Primary building line" means a setback from the public boundary line.

XIV. "Primary structure" means a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure on the same premises.

XV. "Protected shoreland" means all land located within 250 feet of the public boundary line of public waters or to the landward extent of the 100 year flood plain as designated by the Federal Emergency Management Agency, whichever distance is greater.

XVI. "Public waters" shall include:

(a) Rivers, including streams and brooks, from a point at which their drainage area encompasses a total of 15 square miles, extending downstream to their mouth or point of exit from the state of New Hampshire. The upstream limit of the public boundary line on public river waters shall be calculated and mapped by the commissioner. Rivers which have exceeded the 15 square mile standard prior to their entry into the state of New Hampshire shall be subject to the standards set by this chapter from that point of entry. Rivers, the drainage areas of which cross state boundaries, shall have their drainage areas calculated without respect to the state boundary for the purpose of determining the point of beginning for the application of the standards set forth in this chapter.

(b) All fresh water bodies listed in the official list of public waters published by the department pursuant to RSA 271:20, II, whether they are great ponds or artificial impoundments.

(c) Coastal waters, being all waters subject to the ebb and flow of the tide, including the Great Bay Estuary and the associated tidal rivers.

XVII. "Public boundary line" means:

(a) For rivers, the normal high water line as determined by the vegetation line, meaning the location above which terrestrial vegetation dominates aquatic vegetation.

(b) For natural fresh water bodies without artificial impoundments, the natural mean high water level as determined by the division of water resources of the department.

(c) For artificially impounded fresh water bodies, the waterline at full pond as determined by the elevation of the top of the impoundment structure.

(d) For coastal waters, the limit of the highest observable tide, as determined by the wetlands board.

XVIII. "Removal or removed" means cut, sawed, pruned, girdled, felled, pushed over, buried, burned, killed, or otherwise destructively altered.

XIX. "Residential unit" means a structure providing complete and independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation.

XX. "Sapling" means any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than 6 inches at a point 4-1/2 feet above the ground.

XXI. "Shrub" means any multi-stemmed woody plant which normally grows to a mature height of less than 20 feet.

XXII. "Structure" means anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, as well as anything constructed or erected with a fixed location on or in the ground, exclusive of fences.

XXIII. "Subdivision" means subdivision as defined in RSA 672:14.

XXIV. "Tree" means any woody plant which normally grows to a mature height greater than 20 feet and which has a diameter of 6 inches or more at a point 4-1/2 feet above the ground.

XXV. "Urbanization" means the concentrated development found in the sections of towns or cities where there has been an historic pattern of intensive building for commercial or industrial use, or mixed residential, commercial, and industrial use.

483-B:5 Enforcement by Commissioner; Duties; Woodland Buffer; Forest Inventory Plans.

I. The commissioner, with the advice and assistance of the office of state planning, department of resources and economic development and department of agriculture, shall enforce the provisions of this chapter.

II. The commissioner or his designee may enter upon any land or parcel at any reasonable time to perform oversight and enforcement duties provided for in this chapter.

III. The commissioner shall refer all forest inventory plans required under RSA 483-B:9, III(a)(2)(B) to the division of forests and lands, department of resources and economic development for advice and comment.

IV. To encourage coordination of state and local enforcement measures, the commissioner shall notify the local governing body of enforcement action undertaken by the state in respect to protected shoreland within the municipality by sending it copies of relevant administrative orders issued and pleadings filed.

V. The commissioner may issue an order to any person in violation of this chapter, of rules adopted under this chapter, or of any condition of a permit issued under this chapter.

483-B:6 Prior Approval; Permits. Each person intending to construct a new or expanded structure within the protected shoreland, or intending to engage in timber cutting for purposes other than forest management activities now subject to RSA 224:44-a, earth excavation, or any other activity which will alter the existing character of the protected shoreland, shall seek a shoreland development permit from the commissioner. Such person shall demonstrate to the satisfaction of the commissioner

that the proposal meets or exceeds the development standards of this chapter. The commissioner shall grant, deny, or attach reasonable conditions to a permit requested under this chapter to protect the public waters or the public health, safety, or welfare.

483-B:7 Reporting; On-Site Inspections; Local Participation. The commissioner may devise a system whereby municipal conservation commissions may voluntarily assist with the permitting process under RSA 485-B:17, I-a and the subsequent enforcement of permit conditions, by performing certain reporting functions relative to on-site inspections. Utilization of such reports shall be at the commissioner's discretion, but may, when appropriate, obviate the need for further on-site review by department staff.

483-B:8 Municipal Authority.

I. Municipalities may adopt land use control ordinances relative to all protected shorelands which are more stringent than the minimum standards contained in this chapter.

II. Municipalities are encouraged to adopt land use control ordinances for the shorelands of water bodies and water courses other than public waters.

III. Municipalities in which protected shoreland is situated may enforce the provisions of this chapter by issuing cease and desist orders and by seeking injunctive relief or civil penalties as provided in RSA 483-B:19, III(a) and (b). Civil penalties and fines collected by the court shall be remitted within 14 days to the treasurer of the municipality prosecuting said violations, for the use of the municipality. Any municipality electing to enforce the provisions of this chapter shall send copies of any pleading to the attorney general at the time of filing. Municipalities bordering the same water body are encouraged to employ jointly a single code enforcement officer to monitor compliance.

IV. The authority granted to municipalities under this chapter shall not be interpreted to extend RSA 430:28-48.

483-B:9 Minimum Shoreland Protection Standards.

I. The standards in this section are designed to minimize shoreland disturbance so as to protect the public waters, while still accommodating reasonable levels of development in the protected shoreland.

II. Within the protected shoreland the following restrictions shall apply:

(a) The establishment or expansion of salt storage yards, automobile junk yards, and solid or hazardous waste facilities shall be prohibited.

(b) Primary structures shall be set back behind the primary building line. This line shall initially be set back 50 feet from the public boundary line. Upon the establishment of a shoreland building setback by a municipality, that standard, whether greater or lesser than 50 feet, shall define the primary building line in that municipality.

(c) The construction of a water dependent structure, meaning one which is a dock, wharf, pier, breakwater, or other similar structure, or any part thereof, built over, on, or in the waters of the state, shall be constructed only as approved by the wetlands board pursuant to RSA 482-A.

III. Water supply facilities, including water supply intakes, pipes, water treatment facilities, pump stations, and disinfection stations shall be permitted by the commissioner as necessary, consistent with the purposes of this chapter.

IV. The placement and expansion of public water and sewage treatment facilities shall be permitted by the commissioner as necessary, consistent with the purposes of this chapter.



V. The following minimum standards shall apply to the protected shoreland provided that forestry, involving water supply reservoir watershed management or agriculture conducted in accordance with best management practices, shall be exempted from the provisions of this chapter:

(a) Natural woodland buffer.

(1) Where existing, a natural woodland buffer shall be maintained within 150 feet of the public boundary line. The purpose of this buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

(2) Within the natural woodland buffer of the protected shoreland under conditions defined in RSA 483-B:9, V the following prohibitions and limitations shall apply:

(A) Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20 year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place.

(B) Any person proposing to remove any trees, saplings, shrubs, or ground cover from any lot within the natural woodland buffer shall document with photographs or videotape all of such existing plant types. For the purpose of establishing the initial pre-project vegetative inventory on larger projects, whenever an alteration of terrain permit is determined to be necessary, a forest inventory plan shall be prepared by a professional forester licensed pursuant to RSA 310-A for all project lands located within 150 feet of the public boundary line.

(C) Trees, saplings, shrubs and ground covers which are removed to clear an opening for building construction, structures, septic systems, roadways, pathways, and parking areas shall be used in computing the percentage limitations under subparagraph (a)(2)(A).

(D) Dead, diseased, unsafe, noxious or fallen trees, saplings, shrubs, or ground covers may be removed, but their removal shall be used in computing the percentage limitations under subparagraph (a)(2)(A).

(E) Stumps and their root systems which are located within 50 feet of the public boundary line shall be left intact in the ground.

(F) Dead and living trees that provide dens and nesting places for wildlife are encouraged to be preserved.

(G) Planting efforts that are beneficial to wildlife are encouraged to be undertaken.

(b) Septic systems.

(1) All new lots created within the protected shoreland are subject to subdivision approval by the division of water supply and pollution control, subsurface systems bureau under RSA 485-A:29, regardless of size.

(2) The following conditions, based on the characteristics of the receiving soil as they relate to U.S. department of Agriculture, soil conservation service drainage classes, shall dictate the setback requirements for all new septic tanks and leaching portions of new septic systems, as follows:

(A) Where the receiving soil downgradient of the leaching portions of a septic system is a porous sand and gravel material with a percolation rate faster than 2 minutes per inch, the setback shall be at least 125 feet from the public boundary line;

(B) For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from the public boundary line; and

(C) For all other soil conditions, the setback shall be at least 75 feet from the public boundary line.

(3) The placement of all septic tanks and leaching portions of septic systems for replacement systems shall comply with the requirements of subparagraph (b)(2), to the maximum extent feasible.

(c) Erosion and siltation.

(1) All new structures within protected shoreland shall be designed and constructed in accordance with rules adopted by the department pursuant to 541-A, relative to terrain alteration under RSA 485-A:17, for controlling erosion and siltation of public waters, during and after construction.

(2) New structures within the protected shoreland shall be designed and constructed to prevent the release of surface runoff across exposed mineral soils.

(3) A permit pursuant to RSA 485-A:17, I shall be required for improved, developed, or subdivided land within the protected shoreland whenever there is a contiguous disturbed area exceeding 50,000 square feet.

(d) Minimum lots and residential development. In the protected shoreland:

(1) The minimum size for new lots in areas dependent upon on-site septic systems shall be determined by soil type lot size determinations, as set forth under rules adopted pursuant to 541-A.

(2) For new lots in areas dependent upon on-site septic systems, the total number of residential units, including cluster and condominium development, shall not exceed one unit per 150 feet of shoreland frontage.

(3) Lots in areas serviced by municipal sewers shall conform to municipal minimum lot standards, and shall not be subject to any shoreland and frontage requirement, except as provided by municipal standards.

(4) Lots and residential units outside of the protected shoreland shall not be subject to this chapter.

(e) Minimum lots and non-residential development. In the protected shoreland:

(1) The minimum size for new non-residential lots in areas dependent upon on-site septic systems shall be determined by soil type lot size determinations, as set forth under rules adopted pursuant to RSA 541-A.

(2) Non-residential development requiring on-site water and sewage shall not be constructed on lots less than 150 feet in width.

(3) Non-residential lots in areas serviced by municipal sewers shall conform to municipal minimum lot standards.

(4) Non-residential lots outside of the protected shoreland shall not be subject to this chapter.

(f) Common owners and residential or non-residential development. In the protected shoreland, waterfront parcels held in common by one or more owners of contiguous interior parcels may be developed but only in a manner consistent with the provisions of this chapter. Care shall be taken for the adequate provision of parking, toilet facilities, and related support systems to minimize the project's impact on the public waters.

(g) The commissioner shall have the authority to grant variances from the minimum standards of this section such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b).

483-B:10 Nonconforming Lots of Record. Nonconforming, undeveloped lots of record that are located within the protected shoreland shall comply with the following restrictions, in addition to any local requirements:

I. Except when otherwise prohibited by law, present and successive owners of an individual undeveloped lot may construct a single family residential dwelling on it, notwithstanding the provisions of this chapter. The owner of such a lot in seeking a shoreland development permit shall submit a development plan to the commissioner or designee showing compliance with the intent of this chapter to the maximum extent feasible. Conditions may be imposed which, in the opinion of the commissioner, more nearly meet the intent of this chapter, while still accommodating the applicant's rights.

II. Nonconforming lots of record shall not be used for structures other than single family residential structures, including, but not limited to docks, piers, boathouses, boat loading ramps, walkways, and other water dependent structures.

483-B:11 Nonconforming Structures; New Primary Structures.

I. Except as otherwise prohibited by law, pre-existing structures located within the protected shoreland may be repaired, improved, or expanded. An expansion that increases the sewerage load, for example, additional bedrooms, shall require approval by the department. Between the primary building line and the public building line, no alteration shall extend the structure closer to the public water, except that the addition of an open deck or porch is permitted up to a maximum of 12 feet towards the public boundary line.

II. No new primary structures, other than water dependent facilities, shall be permitted between the primary building line and the public boundary line.

483-B:12 Shoreland Exemptions.

I. The governing body of a municipality may, in its discretion, request the commissioner to exempt all or a portion of the protected shoreland within its boundaries from the provisions of this chapter if the governing body finds that special local urbanization conditions exist in the protected shoreland for which the exemption is sought.

II. If the governing body of a municipality requests such an exemption, it shall submit evidence of existing and historical patterns of building and development in the protected shoreland. Such evidence shall address:

(a) Current and past building density.

(b) Commercial or industrial uses.

(c) Municipal or other public utilities.

(d) Current municipal land use regulations which affect the protected shoreland.

(e) Any other information which the commissioner may reasonably require.

III. With the advice of the office of state planning, the commissioner shall approve or deny the request for an exemption and shall issue written findings in support of his decision. A request for an exemption shall be approved only if the municipality demonstrates, using the evidence required under paragraph II, that special conditions of urbanization exist along the portion of shoreland to be exempted.

IV. The state port authority may request an exemption under this section for all or a portion of any land purchased, leased, or otherwise acquired by it pursuant to RSA 271-A.

483-B:13 Public Hearing and Notice to Abutter. The commissioner shall hold at least one public hearing which may, at the department's discretion, be held in the municipality where a major project is proposed to be located. Notice of each public hearing shall be published in a newspaper of general circulation in the municipality at least 10 calendar days before the hearing. Such notice shall also be mailed to the applicant, abutters and governing body, planning board, and conservation commission, if any, of the municipality at least 10 calendar days before the hearing. The notice shall include a general description of the proposal and shall identify the applicant and location of the proposed major project.

483-B:14 Rehearings and Appeals.

I. Any party aggrieved by a decision of the commissioner issued under this chapter may request a rehearing or appeal from such decision in accordance with RSA 541.

II. Where the requirements of this chapter amend the existing statutory authority of the department or other agencies relative to certain established regulatory programs and shall be enforced under these established regulatory programs, the existing procedures governing contested cases and hearings and appeals regarding these requirements shall apply. Where requirements of this chapter are new and do not amend existing statutory authority relative to any established regulatory programs, the procedures set forth in RSA 541-A:16 for contested cases and in RSA 483-B:13 for appeals shall apply.

483-B:15 Gifts, Grants and Donations. The department is authorized to solicit, receive, and expend any gifts, grants, or donations made for the purposes of this chapter. Gifts of land or easements shall be assigned to the department of resources and economic development for management or assignment to another state agency or other public body, as appropriate.

483-B:16 Assistance to Municipalities; Office of State Planning. The office of state planning may assist municipalities with the implementation of local ordinances under this chapter, upon the request of an individual municipality.

483-B:17 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. The content and structure of all forms, applications and permits to be received or issued by the department under this chapter, including information and other materials to be submitted by an applicant.

II. Procedures for filing and review of applications for shoreland development submitted to the department.

III. Procedures for the issuance of permits by the department.

IV. Procedures for filing and review of requests for urbanized shoreland exemptions and standards for granting urbanized shoreland exemptions.

V. Enforcement of the minimum shoreland standards, including methods and timing of inspection and coordination with municipalities.

VI. Procedures and criteria for the placement of small accessory structures such as storage sheds and gazebos, the size, placement, and construction of which is consistent with the intent of this chapter, between the public boundary line and the primary building line.



VII. Requiring reasonable proof of ownership of the shoreland parcel by the applicant, supplied either by the owner or his authorized agency.

VIII. Criteria governing the assessment of administrative fines.

IX. Establishing a fee structure for the filing of applications with the department to review activities requiring a shoreland development permit that do not come under existing regulatory programs of the department. Such fees shall be sufficient to support the administration of the program, exclusive of start-up costs.

483-B:18 Fees.

I. The application fee for plans submitted to the department under RSA 485-A:17 encompassing an area within the protected shoreland exceeding 50,000 square feet but less than 100,000 square feet shall be \$100. An additional fee of \$100 shall be assessed for each additional area of up to 100,000 square feet within the protected shoreland.

II. The application fee for plans and specifications submitted to the department under RSA 485-A:29 for the subdivision of land within the protected shoreland shall be an additional \$100 over the fee set forth in RSA 485-A:30. The fee for plans and specifications submitted to the department under RSA 485-A:29 for sewage or waste disposal systems within the protected shoreland shall be an additional \$100 over the fee set forth in RSA 485-A:30.

483-B:19 Penalties.

I. The following shall constitute a violation of this chapter:

(a) Failure to comply with the provisions of this chapter.

(b) Failure to obey an order of the commissioner or a municipality issued relative to activities regulated or prohibited by this chapter.

(c) Misrepresentation by any person of a material fact made in connection with any activity regulated or prohibited by this chapter.

II. Any person who violates this chapter and any person who purchases land affected by a violation of this chapter who knew or had reason to know of the violation shall be liable for remediation or restoration of the land affected.

III. Persons violating the provisions of this chapter shall be subject to the following:

(a) Upon petition of the attorney general, the superior court may levy upon any person violating this chapter a civil penalty in an amount not to exceed \$20,000 for each day of each continuing violation. The superior court shall have jurisdiction to restrain a continuing violation of this chapter, and to require remediation.

(b) Any person who knowingly violates any provision of this chapter, or any rule adopted or order issued under this chapter or any condition of any permit issued under this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, and, notwithstanding RSA 651:2, may in addition to any sentence of imprisonment, probation or conditional discharge, be fined not more than \$20,000 for each violation if found guilty pursuant to this section. Each day of violation shall constitute a separate offense.

(c) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine of up to \$5,000 for each offense upon any person who violates this chapter. Rehearings and appeals relating to such fines shall be governed by RSA 541. Imposition of an administrative fine under this section shall not preclude the imposition of further civil or criminal penalties under this chapter.

2 New Subparagraph; Shoreland Protection Plans by Office of State Planning. Amend RSA 4-C:6, 1 by inserting after subparagraph (h) the following new subparagraph:

(i) Shoreland protection.

3 Pesticides; Rulemaking; Reference to Commercial Applicators Deleted. Amend RSA 430:31, IV(a) to read as follows:

(a) The time, the place, and the conditions under which pesticides may be used [by commercial applicators] in different areas of the state if the board finds that such pesticides may be injurious to persons, animals, or crops, other than the pest or vegetation which it is intended to destroy, and may provide that pesticides shall be used only under permit of the board.

4 Pesticide Control Board; Rulemaking; When Applications Exempt. Amend RSA 430:46, I(b) to read as follows:

(b) The application of pesticides within, around, under, or in the immediate vicinity of a living unit by the occupant thereof, providing crops raised therein or thereon are not offered for sale; provided, however, that no pesticide, the sale or use of which in the state is prohibited or restricted by the board, or by the United States Environmental Protection Agency pursuant to section 3(d) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, may be applied under this paragraph except in accordance with said restriction or prohibition; and provided, further, that a person applying pesticides[, as allowed by this paragraph shall not allow any pesticides to enter] *near any stream or [body of water by reason of such application] other surface waters of the state shall comply with rules adopted by the board under RSA 541-A, as provided in RSA 430:31, IV.*

5 Water User Fee Required. Amend RSA 482:3, III to read as follows:

III. To investigate and identify the facilities for storing surplus water, and for conserving, controlling and distributing surplus water, including registering and reporting by water users, *to collect an annual fee of \$100 pursuant to any registering and reporting by water users*, and to investigate and identify facilities for the production and utilization of hydro-energy.

6 Additional Staff Authorized. The department is authorized to employ additional staff for the administration of this act.

7 Draft Ordinance; Office of State Planning to Prepare. Not later than October 1, 1991, the director, office of state planning, shall provide to the commissioner of environmental services a draft model ordinance for use by municipalities in developing local ordinances to sustain the shoreland protection program established in RSA 483-B.

8 Appropriation. There is appropriated to the department of environmental services the sum of \$120,000 for the fiscal year ending June 30, 1992, and the sum of \$120,000 for the fiscal year ending June 30, 1993, for the purposes of this act. The governor shall draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Report. The commissioner shall report to the governor, speaker of the house, and president of the senate on or before December 30, 1992, on the implementation of the requirements of this act. This report shall include information on the costs incurred by the department in implementing the requirements and on the revenue received under the authority of RSA 483-B.

10 Application. The provisions of RSA 483-B shall apply effective July 1, 1992, but shall not apply to any residential or non-residential development for which completed applications have been filed with state or local regulatory authorities.

11 Effective Date. This act shall take effect 60 days after its passage.

Rep. Guay spoke against.

**(Deputy Speaker Michael Hill in the Chair)**

Reps. Maviglio, Grodin and Bradley spoke in favor.

**(Speaker Burns in the Chair)**

Rep. Dickinson spoke in favor.

Adopted.

Rep. Dickinson offered a floor amendment.

#### **Floor Amendment**

Amend RSA 483-B:2, XI as inserted by section 1 of the bill by replacing it with the following:

XI. Preserve the state's lakes, estuaries and coastal waters in their natural state.

Amend RSA 483-B:4, XV-XVII as inserted by section 1 of the bill by replacing them with the following:

XV. "Protected shoreland" means all land located within 250 feet of the public boundary line of public waters.

XVI. "Public waters" shall include:

(a) All fresh water bodies listed in the official list of public waters published by the department pursuant to RSA 271:20, II, whether they are great ponds or artificial impoundments.

(b) Coastal waters, being all waters subject to the ebb and flow of the tide, including the Great Bay Estuary and the associated tidal rivers.

XVII. "Public boundary line" means:

(a) For natural fresh water bodies without artificial impoundments, the natural mean high water level as determined by the division of water resources of the department.

(b) For artificially impounded fresh water bodies, the waterline at full pond as determined by the elevation of the top of the impoundment structure.

(c) For coastal waters, the limit of the highest observable tide, as determined by the wetlands board.

Amend RSA 483-B as inserted by section 1 of the bill by inserting after section 19 the following new section:

483-B:20 Draft Ordinance; Applicability.

I. Not later than October 1, 1991, the director, office of state planning, shall provide to the commissioner of environmental services a draft model ordinance for use by municipalities in developing local ordinances to sustain the shoreland protection program established in this chapter.

II. The provisions of this chapter shall not apply to any applicant whose land is in any municipality which adopts the model ordinance prepared by the office of state planning under paragraph I and provided to the commissioner, or a more stringent version of such model ordinance.

Amend the bill by deleting section 7 and renumbering the original sections 8-11 to read as 7-10, respectively.

## AMENDED ANALYSIS

This bill establishes a comprehensive shoreland protection act which:

I. Delineates state and municipal legislative and enforcement authority over shoreland development.

II. Establishes minimum standards for shoreland development.

III. Establishes permitted uses for new and pre-existing lots along shoreland areas.

IV. Provides for technical assistance to municipalities in developing local shoreland protection ordinances.

V. Authorizes acceptance of gifts, grants and donations of money or land to be used for the purpose of shoreland protection.

VI. Establishes fees for review of terrain alteration plans and sewage disposal systems plans.

VII. Requires the commissioner of the department of environmental services to report to the governor and legislative leadership on the implementation of this chapter.

The bill makes appropriations to the department of environmental services for the purposes of shoreland protection.

The bill also authorizes the imposition of a water user fee.

The bill precludes rivers from protection and preservation.

Rep. Dickinson spoke in favor and yielded to questions.

Rep. Grodin yielded to questions.

Roll call request sufficiently seconded.

The question being on the adoption of the floor amendment.

## YEAS 196

## NAYS 133

## YEAS 196

## BELKNAP

Accornero, Harry  
Maviglio, Steven R.  
Turner, Robert H.

Dewhirst, Glenn E.  
Rosen, Ralph J.  
Vogler, Charles C.

Johnson, Carl R.  
Salatiello, Thomas B.  
Ziegara, Alice S.

## CARROLL

Chandler, Gene G.  
Jean, Robert R.

Dickinson, Howard C.  
Wiggin, Allen R.

Dodge, A. Gibb, Jr.  
Wiggin, Gordon E.

## CHESHIRE

Cole, Kenneth A.  
Foster, Katherine D.  
Kennison, Wayne A.  
Morse, Jo Ann T.  
Pratt, Irene A.

Cole, Stacey W.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Feuer, Joseph N.  
Hogan, James B.  
Laurent, John J.  
Perry, David M.  
Spear, Susan S.

## COOS

Hawkinson, Marie C.  
Therault, Romeo J.

Horton, Lynn C.

Nelson, Harold D.

## GRAFTON

Adams, Carl S.  
Dow, David

Brown, Channing T.  
Driscoll, William J.

Chambers, Mary P.  
LaMott, Paul I.



Lougee, Richard W.  
Shackett, Ralph E.  
Trelfa, Richard T.

Markley, J. Keith  
Stewart, Roger D.  
Wadsworth, Karen O.

Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
White, Paul R.

### HILLSBOROUGH

Ackerman, Philip M.  
Arnold, Barbara E.  
Bourque, Ann J.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Drolet, Paul L.  
Dyer, Merton S.  
Fields, Dennis H.  
Greenglass, Alan B.  
Holden, Carol H.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
McDowell, James E.  
O'Rourke, Joanne A.  
Perham, Lester R.  
Reidy, Frank J.  
Searles, Stanley N., Sr.  
Upton, Barbara A.  
Wright, George W.

Ahrens, Frederick G.  
Baldizar, Barbara J.  
Calawa, Leon, Jr.  
Daigle, Robert A.  
Dodge, Emma M.  
Durham, Susan B.  
Ferguson, Charles  
Ford, Nancy M.  
Gureckis, Adam C., Sr.  
Hultgren, David D.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lawrence, Eva M.  
Martin, Mary Ellen  
Mercer, Robert S.  
Ouellette, Robert O.  
Peters, Stanley W.  
Rheault, Lillian I.  
Smith, Leonard A.  
Wheeler, Robert L.

Andrews, Frederick B.  
Baroody, Benjamin C.  
Cote, David E.  
Daniels, Gary L.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Healy, Walter F.  
Jasper, Shawn N.  
King, Frank P.  
Larochelle, Roger B.  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
Murphy, Robert E.  
Pepino, Leo P.  
Pignatelli, Debora B.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
White, John M.

### MERRIMACK

Christie, Thomas J.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Kidder, William F.  
Millard, Elizabeth S.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Daneault, Gabriel J.  
Gross, Caroline L.  
Hayes, Robert C.  
Jelley, Francis D.  
Letourneau, George E.  
Nichols, Avis B.  
Stapleton, Henry F.  
Weeks, John F., Jr.

Fair, Patricia A.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, Joyce M.  
Lockwood, Robert A.  
Smith, Gerald R.  
Stio, Peter M.  
Whittemore, James A.

### ROCKINGHAM

Buco, Stephen W.  
Christie, Andrew, Jr.  
Conroy, Janet M.  
Dube, LeRoy S.  
Ford, Bert H.  
Hoar, John, Jr.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Raynowska, Bernard J.

Campbell, Marilyn R.  
Clark, Martha Fuller  
Dowd, Sandra K.  
Falwell, Robert V.  
Griebsch, Linda  
Kane, Cecelia D.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
McCain, William F.  
Melnick, Roy E.  
Rosencrantz, James R.

Caswell, Albert, Jr.  
Connell, David R.  
Dowling, Patricia A.  
Flanders, Harry E.  
Haynes, Richard  
Keith, Brenda E.  
Lovejoy, Virginia K.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Roulston, Donald L.

|                         |                    |                  |
|-------------------------|--------------------|------------------|
| Schmidtchen, Rowland H. | Senter, Marilyn P. | Smith, Arthur W. |
| Sytek, Donna P.         | Sytek, John J.     | Thayer, Leroy C. |
| Welch, David A.         | Woods, Deborah L.  |                  |

**STRAFFORD**

|                     |                     |                         |
|---------------------|---------------------|-------------------------|
| Bickford, Drucilla  | Brown, Julie M.     | Hashem, Elaine M.       |
| Jankowski, Peter M. | Kinney, Paula J.    | McCann, William H., Jr. |
| Merrill, Amanda A.  | Nehring, William H. | Torr, Ann M.            |
| Tsiros, William     | Vincent, Francis C. | Wheeler, Katherine W.   |

**SULLIVAN**

|                    |                     |                      |
|--------------------|---------------------|----------------------|
| Allison, David C.  | Behrens, Thomas A.  | Burling, Peter Hoc   |
| Flint, Gordon B.   | Krueger, Richard H. | Lindblade, Eric N.   |
| Middleton, John A. | Peyron, Fredrik     | Stamatakis, Carol M. |

**NAYS 133****BELKNAP**

|                     |                           |                      |
|---------------------|---------------------------|----------------------|
| Bartlett, Gordon E. | Campbell, Richard H., Jr. | Golden, Paul A.      |
| Hawkins, Robert S.  | Holbrook, Robert G.       | Joscelyn, William W. |
| Shibley, Arnold P.  | Zaharchuk, Peter J., Jr.  |                      |

**CARROLL**

|                   |                     |                 |
|-------------------|---------------------|-----------------|
| Allard, Nanci A.  | Beach, Mildred A.   | Bradley, Jeb E. |
| Foster, Robert W. | Saunders, Howard N. |                 |

**CHESHIRE**

|                      |                       |                      |
|----------------------|-----------------------|----------------------|
| Burnham, Daniel M.   | Champagne, Richard L. | Crutchley, Donald O. |
| DePecol, Benjamin J. | LaMar, David M.       | Lynch, Margaret A.   |

**COOS**

|                   |                     |               |
|-------------------|---------------------|---------------|
| Guay, Lawrence J. | Kilbride, Dennis J. | Marsh, Beaton |
| Mayhew, Josephine | Pratt, Leighton C.  |               |

**GRAFTON**

|                       |                     |                       |
|-----------------------|---------------------|-----------------------|
| Brown, Patricia B.    | Christy, C. Dana    | Copenhaver, Marion L. |
| Guest, Robert H.      | Hill, Richard L.    | Larson, Nils H., Jr.  |
| McIlwaine, Deborah P. | Nordgren, Sharon L. | Ward, Kathleen W.     |

**HILLSBOROUGH**

|                           |                        |                         |
|---------------------------|------------------------|-------------------------|
| Alukonis, David J.        | Amidon, Eleanor H.     | Buckley, Raymond        |
| Chasse, Richard D.        | Clemons, Jape A.       | Cook, Valerie S.        |
| Crotty, Edward J.         | Desrosiers, William J. | Domaingue, Jacquelyn M. |
| Drabinowicz, A. Theresa   | Emerton, Lawrence A.   | Fenton, James J.        |
| Gage, Ruth E.             | Gagnon, Gabrielle V.   | Green, Scott E.         |
| Haetenschwiller, Alphonse | Hall, Betty B.         | Hanselman, Gregory L.   |
| Healy, Daniel J.          | Johnson, Lionel W.     | Jordan, Mary H.         |
| Kelley, Dana F.           | Kurk, Neal M.          | Lawrence, Norman B.     |
| Lown, Elizabeth D.        | Mason, Howard F.       | McNerney, Daniel P.     |
| McRae, Karen K.           | Messier, Irene M.      | Packard, Bonnie B.      |
| Paquette, Rodolphe G.     | Record, Alice B.       | Riley, Frances L.       |
| Rodgers, G. Philip        | Stiles, Walter A.      | Tarpley, Nancy L.       |
| Tate, Joan C.             | Turgeon, Roland M.     | Vanderlosk, Stanley R.  |
| Wheeler, David K.         |                        |                         |

**MERRIMACK**

Apple, Lowell D.  
 Braiterman, Thea  
 Chandler, John P.  
 Jacobson, Alf E.  
 Molner, Mary E.

Asplund, Bronwyn L.  
 Carter, Susan D.  
 Dunn, Miriam D.  
 Johnson, C. William  
 Trombly, Rick A.

Barberia, Richard A.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Lewis, Mary Ann  
 Yeaton, Charles B.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Coffey, John J.  
 Drake, Herbert R.  
 Flanders, John W., Sr.  
 Hynes, Carolyn E.  
 Rubin, George R.  
 Skinner, Patricia M.  
 Terninko, Margaret B.  
 Warburton, Calvin

Boucher, William P.  
 Cote, Patricia L.  
 Felch, Charles H., Sr.  
 Gage, Beverly A.  
 Johnson, Robert A.  
 Schanda, Joseph, Sr.  
 Splaine, John E., Sr.  
 Tufts, Arthur  
 Weyler, Kenneth L.

Chulack, Peter G., Sr.  
 DiPietro, Carmela M.  
 Flanders, David A.  
 Hutchinson, Karen K.  
 Pantelakos, Laura C.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Vaughn, Charles L.

**STRAFFORD**

Appleby, James E.  
 Foss, Patricia H.  
 Hambrick, Patricia A.  
 O'Brien, John  
 Pelley, Janet R.  
 Wall, Janet G.

Douglass, Clyde J.  
 Frechette, Roland A.  
 Martling, W. Kent  
 Pageotte, Donald P.  
 Spencer, Leo J.  
 Young, John B.

Flynn, Edward J.  
 Gilmore, Gary R.  
 Messier, Donald R.  
 Parks, Joe B.  
 Sullivan, Henry P.

**SULLIVAN**

Schotanus, Merle W.      Tetu, Michael A.  
 and the amendment was adopted.  
 Report adopted.  
 Referred to Appropriations.

**HB 705-FN-A**, establishing the New Hampshire scenic byways planning program.  
**OUGHT TO PASS WITH AMENDMENT.**

House Bill 705, as amended, establishes a New Hampshire scenic byways planning program to recommend a scenic byway road system. An advisory committee is established to review the potential for such a system, making its report to the Legislature by October 31, 1991. As federal funds may soon become available for such a program, New Hampshire will be well-positioned to accept them if a study committee is in place.

It should be noted that testimony was received from the Office of State Planning and the Department of Transportation that the fiscal note can be adjusted. The effort required to carry out the mandates of this bill can be accomplished within the existing funding levels of OSP, without any involvement of DOT. Therefore, there should be no financial impact. Vote 14-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

**Amendment**

Amend RSA 238:13 as inserted by section 2 of the bill by replacing it with the following:

238:13 Establishment; Purpose. There is hereby established a New Hampshire scenic byways planning program. The purpose of the program is to submit recom-

mendations for the creation of a state scenic byways system within the existing highway system. The program shall be developed in cooperation with the department of transportation, the department of resources and economic development, the office of state planning, municipalities, regional planning agencies and recreation, tourist, forest and agricultural interests.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted.

Ordered to third reading.

**HB 281-FN-A**, establishing a fund for interpreter services for the hearing impaired and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

This bill had strong support at the hearing. Federal mandates under the Americans with Disabilities Act must be in place by January 1, 1992. At present, services are made available through the Vocational Rehabilitation Division of the Education Department. The Committee felt this bill would help correct the problem of services not being available at some state agencies. The bill was amended because of the state financial crunch from \$30,000 to \$1 with hopes that the Appropriations Committee would find the funds needed. Vote 15-0. Rep. George E. Letourneau for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$1 is appropriated to the department of education, division of vocational rehabilitation, for the fiscal year ending June 30, 1992, to be deposited into the interpreter services fund. This appropriation shall be nonlapsing and in addition to any funds appropriated to the department for the biennium. The governor shall draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Rep. Hager moved that the words Re-refer to Committee, be substituted for the report of the Committee. Ought to Pass with Amendment.

Re-referred to Committee.

**HB 506-FN**, relative to cost-of-living increases in the AFDC standard of need. **OUGHT TO PASS.**

This Committee has approved this bill to give AFDC families a chance for a decent life for their children. The Committee realizes an appropriation bill has a struggle to survive, but feels strongly this bill also will be a vehicle to point out to the Department of Health and Human Services the glaring problems with administration. The Committee strongly recommends an in-depth study of the Department's policies, feeling it will result in more efficient administering of the AFDC program. Vote 17-0. Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs.

Rep. Amidon moved that the words Re-refer to Committee, be substituted for the report of the Committee. Ought to Pass and spoke to her motion.

Reps. Senter and Copenhagen spoke in favor.

Re-referred to Committee.



**HB 601-FN-A**, establishing a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program. **ought to pass with amendment.**

After two and a half years of extensive study with the cooperation of the Department of Fish and Game, State Planning, Department of Transportation, Department of Resources and Economic Development, Department of Environmental Services, New Hampshire Wildlife Federation, New Hampshire Forestry Service, Lake Associations, Rivers Associations, House Bill 601 is the end result. A good clean bill that addresses the concerns of the departments and associations. Vote 11-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a public access advisory board and a statewide  
public boat access program on public waters and  
continually appropriating a special fund  
for the purposes of the program.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes the increase in demand for access to public waters for boating. The purpose of this act is to establish an advisory board to coordinate state agency efforts relative to public access to public waters of the state and to provide for the acquisition, construction, refurbishment, maintenance and operation of new and existing public boat access areas.

2 New Chapter: Access to Public Waters. Amend RSA by inserting after chapter 233 the following new chapter:

#### **CHAPTER 233-A ACCESS TO PUBLIC WATERS**

233-A:1 Definitions. In this chapter:

I. "Board" means public access advisory board established under this chapter.

II. "Department" means the fish and game department.

III. "Program" means the statewide public boat access program.

IV. "Public access" means legal passage to any public waters of the state by way of designated contiguous land owned or controlled by the adopting state agency assuring that all members of the public shall have access to and use of the public waters for recreational purposes.

V. "Public bodies of water" means public waters as defined in RSA 271:20 and any impoundment of a stream, lake, pond, or tidal or marine waters of 10 acres or more, or any other body of water owned by the state or by a state agency or department.

233-A:2 New Hampshire Statewide Public Boat Access Program. A program for the development of public boat access areas for boating on public bodies of water is established. The goal of the program is the acquisition, construction, refurbishment, maintenance, and operation of new and existing public boat access areas.

233-A:3 Public Access Advisory Board; Duties.

I. A public access advisory board is established to advise and monitor the statewide public boat access program. This board shall be composed of the following:

(a) The executive director of the department of fish and game or designee.

(b) The commissioner of the department of resources and economic development, or designee.

(c) The commissioner of the department of environmental services, or designee.

(d) The commissioner of the department of transportation or designee.

(e) The commissioner of the department of safety, or designee.

(f) The director of the office of state planning or designee.

(g) A member of the general public appointed by the governor for a term of 3 years.

II. The board shall:

(a) Coordinate activities of state agency public access efforts.

(b) Serve as an advisory committee to the council on resources and development (CORD), alerting CORD to any potential problems which may inhibit state public access efforts.

(c) Review agency projects accomplishments at least annually.

III. The public member shall serve as chairman of the board. The board shall meet at least quarterly, but more often if necessary. The members shall serve without compensation, but the public member may be reimbursed for actual expenses while engaged in the actual business of the board, when such expenses are not reimbursed from other state funds.

233-A:4 Fish and Game Department. The fish and game department shall carry out the statewide public boat access program. The department shall in cooperation with the board:

I. Establish priorities for the siting and development of public boat access points, based on the demands and needs for different types of public boat areas and available water bodies, giving consideration to any list provided by the board, any associated groups, or interested parties.

II. Set standards of design and maintenance for public boat access points and ensure that these standards are met.

III. Coordinate activities of state agencies in the development of boat access to public bodies of water.

233-A:5 Public Boat Access Point Facilities. The facilities to be provided at public boat access areas on water bodies may include, but are not restricted to, boat launching ramps, launching sites where small boats or canoes may be placed in the water, trails leading to the water's edge, rest room facilities, and such other types of facilities and amenities necessary to carry out the statewide public boat access program. The access roads to public boat access areas shall be designated as class III-a highways as defined by RSA 229:5.

233-A:6 Design of Public Boat Access Points. The fish and game department shall prepare plans and designs for public boat access points and related facilities. The plans and designs shall provide for adequate buffer areas.

233-A:7 Acquisition and Retention. The fish and game department, in order to establish and improve public boat access areas, shall acquire and retain lands, easements, and interests or rights in land needed for the statewide public boat access program by donation, gift, purchase, lease, or condemnation in accordance with RSA 498-A and upon terms and conditions that are consistent with state and federal guidelines. All newly constructed class III-a highways shall be laid out as limited access facilities under the provisions of RSA 230:45.

233-A:8 Construction of Public Boat Access Areas. The fish and game department shall supervise the construction, refurbishment, or expansion of public boat access areas. This construction may be done by the fish and game department, by other state agencies, or by private construction firms under contract to the fish and game department.

233-A:9 Maintenance and Operation of Public Boat Access Areas. The fish and game department shall provide for the continuing maintenance and operation of public boat access areas, roads, and related facilities, including trash removal and cleanup. Maintenance and operation activities may be done by the fish and game department, by other state agencies, or by private firms or individuals, under contract to the fish and game department, or by arrangement with local municipalities or organizations, as considered advisable by the department. Moneys necessary to defray the costs of such maintenance and operation shall be a charge against the statewide public boat access fund.

233-A:10 Public Boat Access Reports and Hearings. The fish and game department shall, before starting any project in the statewide public boat access program, comply with all state and federal requirements. Public boat access needs that do not meet the criteria for the use of federal funds may be constructed, refurbished or expanded by use of private or donated funds. Upon receipt of said funds, the department shall establish a special non-lapsing account for the express purpose of meeting these needs.

233-A:11 Public Water Supply. No public boat access area shall be constructed to any public waters which serve as a municipal water supply without the consent of the town, precinct, or city involved.

233-A:12 Towns not Liable. No action shall be maintained against any town or against the state for any injury to persons or property on any public boat access area constructed under the provisions of this chapter, nor shall any indictment or information be maintained against any town or against the state on account of the condition of such a public boat access area.

233-A:13 Roads Unrelated to New and Existing Facilities. Existing statewide public boat access roads laid out pursuant to RSA 230:63-71 prior to the effective date of this act are hereby reclassified to class III-a highways as defined by RSA 229:5. No new road, street, highway or driveway shall intersect or join such highways. Any new statewide public boat access road laid out under the provisions of this chapter shall be limited access and be designated as a class III-a highway.

233-A:14 Statewide Public Boat Access Fund Established. An additional fee of \$5 to those already collected under the provisions of RSA 270-E:5 for each private motorized vehicle, of any kind, using any and all state owned and/or controlled boat access facilities shall be paid to the department of safety. The department of safety shall pay over the additional fees to the state treasurer who shall keep the fees in a special fund to be known as the statewide public boat access fund. This special fund shall be nonlapsing. All funds received under this section are continually appropriated to the fish and game department for the purposes of this chapter.

233-A:15 Rulemaking. The executive director shall adopt rules, pursuant to RSA 541-A, relative to implementation of the statewide public boat access program.

3 New Paragraph; Class III-a Highway Defined. Amend RSA 229:5 by inserting after paragraph III the following new paragraph:

III-a. Class III-a highways shall consist of roads to public waters that are established under the provisions of RSA 233-A or under former RSA 230:63-71. All class

III-a highways established after the effective date of this paragraph shall be limited access facilities, as defined in RSA 230:44 and shall be subject to the layout, design, construction, maintenance, and all other provisions relative to limited access facilities. A class III-a highway may be made subject to gates and bars or restricted to the accommodation of persons on foot or certain vehicles, or both. Class III-a highways shall be maintained and regulated by the fish and game department.

4 New Subparagraph: Statewide Public Boat Access Fees. Amend RSA 270-E:5, II by inserting after subparagraph (c) the following new subparagraph:

(d) An additional \$5 for each registration specified under RSA 233-A:14. The fees collected under this subparagraph shall be paid into the statewide public boat access fund established under 233-A:14.

5 New Subparagraph: Statewide Public Boat Access Fund. Amend RSA 6:12, I by inserting after subparagraph (nn) the following new subparagraph:

(nn) Moneys received under RSA 270-E:5, II(d), which shall be credited to the statewide public boat access fund established in RSA 233-A:14.

6 Allocation of Funds. Expansion of the current department public boat access program shall be a charge against the statewide public boat access fund as follows:

|                                 | FY 1992   | FY 1993   |
|---------------------------------|-----------|-----------|
| 010 Personal services-permanent | \$128,116 | \$133,604 |
| 020 Current expenses            | 8,549     | 9,201     |
| 050 Personal services-other     | 48,345    | 40,000    |
| 060 Benefits                    | 39,740    | 41,945    |
| 070 In-state travel             | 250       | 250       |
| Total                           | \$225,000 | \$225,000 |

Funds received in excess of the above needs shall be utilized to maintain all necessary services to access areas.

7 Positions Authorized. The executive director of the fish and game department is authorized to establish the following classified positions for the statewide public boat access program established in section 2 of this act: one civil engineer III, labor grade 23; one biologist II, labor grade 22; one land agent, labor grade 21; one engineering technician IV, labor grade 18; and one construction foreman, labor grade 15.

8 New Paragraph: Council on Resources and Development. Amend RSA 162-C:2 by inserting after paragraph VII the following new paragraph:

VIII. Provide oversight relative to the statewide public access program, work with the public access advisory board and provide recommendations to the governor and executive council regarding public access.

9 Repeal. RSA 230:63-71, relative to layout of highways to public waters, are repealed.

10 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a public access advisory board and a statewide public boat access program, which is to develop public boat access to public waters. The fish and game department is to carry out the program.

The bill requires that an additional \$5 from each private boat registration sold annually be deposited in an account established by the state treasurer to be called the statewide public boat access fund. The new fund is nonlapsing and continually appropriated.



All costs related to this chapter shall be a charge against the statewide public boat access fund.

Access roads to public boat access areas are designated as class III-a highways. Current provisions of law relating to layout of highways to public waters are repealed. Adopted.

Rep. Dickinson offered a floor amendment.

#### **Floor Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a public access advisory board and a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes the increase in demand for access to public waters for boating. The purpose of this act is to establish an advisory board to coordinate state agency efforts relative to public access to public waters of the state and to provide for the acquisition, construction, refurbishment, maintenance and operation of new and existing public boat access areas.

2 New Chapter; Access to Public Waters. Amend RSA by inserting after chapter 233 the following new chapter:

#### **CHAPTER 233-A ACCESS TO PUBLIC WATERS**

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II. "Department" means the fish and game department.

III. "Program" means the statewide public boat access program.

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V. "Public bodies of water" means public waters as defined in RSA 271:20 and any impoundment of a stream, lake, pond, or tidal or marine waters of 10 acres or more, or any other body of water owned by the state or by a state agency or department.

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(b) The commissioner of the department of resources and economic development, or designee.

(c) The commissioner of the department of environmental services, or designee.

(d) The commissioner of the department of transportation or designee.

- (e) The commissioner of the department of safety, or designee.
- (f) The director of the office of state planning or designee.
- (g) A member of the general public appointed by the governor for a term of 3 years.

II. The board shall:

- (a) Coordinate activities of state agency public access efforts.
- (b) Serve as an advisory committee to the council on resources and development (CORD), alerting CORD to any potential problems which may inhibit state public access efforts.
- (c) Review agency projects accomplishments at least annually.

III. The public member shall serve as chairman of the board. The board shall meet at least quarterly, but more often if necessary. The members shall serve without compensation, but the public member may be reimbursed for actual expenses while engaged in the actual business of the board, when such expenses are not reimbursed from other state funds.

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II. Set standards of design and maintenance for public boat access points and ensure that these standards are met.

III. Coordinate activities of state agencies in the development of boat access to public bodies of water.

233-A:5 Public Boat Access Point Facilities. The facilities to be provided at public boat access areas on water bodies may include, but are not restricted to, boat launching ramps, launching sites where small boats or canoes may be placed in the water, trails leading to the water's edge, rest room facilities, and such other types of facilities and amenities necessary to carry out the statewide public boat access program.

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233-A:8 Construction of Public Boat Access Areas. The fish and game department shall supervise the construction, refurbishment, or expansion of public boat access areas. This construction may be done by the fish and game department, by other state agencies, or by private construction firms under contract to the fish and game department.

233-A:9 Maintenance and Operation of Public Boat Access Areas. The fish and game department shall provide for the continuing maintenance and operation of public boat access areas, roads, and related facilities, including trash removal and

cleanup. Maintenance and operation activities may be done by the fish and game department, by other state agencies, or by private firms or individuals, under contract to the fish and game department, or by arrangement with local municipalities or organizations, as considered advisable by the department. Moneys necessary to defray the costs of such maintenance and operation shall be a charge against the statewide public boat access fund.

233-A:10 Public Boat Access Reports and Hearings. The fish and game department shall, before starting any project in the statewide public boat access program, comply with all state and federal requirements. Public boat access needs that do not meet the criteria for the use of federal funds may be constructed, refurbished or expanded by use of private or donated funds. Upon receipt of said funds, the department shall establish a special non-lapsing account for the express purpose of meeting these needs.

233-A:11 Public Water Supply. No public boat access area shall be constructed to any public waters which serve as a municipal water supply without the consent of the town, precinct, or city involved.

233-A:12 Towns not Liable. No action shall be maintained against any town or against the state for any injury to persons or property on any public boat access area constructed under the provisions of this chapter, nor shall any indictment or information be maintained against any town or against the state on account of the condition of such a public boat access area.

233-A:13 Statewide Public Boat Access Fund Established. An additional fee of \$5 to those already collected under the provisions of RSA 270-E:5 for each private motorized vehicle, of any kind, using any and all state owned and/or controlled boat access facilities shall be paid to the department of safety. The department of safety shall pay over the additional fees to the state treasurer who shall keep the fees in a special fund to be known as the statewide public boat access fund. This special fund shall be nonlapsing. All funds received under this section are continually appropriated to the fish and game department for the purposes of this chapter.

233-A:14 Rulemaking. The executive director shall adopt rules, pursuant to RSA 541-A, relative to implementation of the statewide public boat access program.

3 New Subparagraph; Statewide Public Boat Access Fees. Amend RSA 270-E:5, II by inserting after subparagraph (c) the following new subparagraph:

(d) An additional \$5 for each registration specified under RSA 233-A:13. The fees collected under this subparagraph shall be paid into the statewide public boat access fund established under 233-A:13.

4 New Subparagraph; Statewide Public Boat Access Fund. Amend RSA 6:12, I by inserting after subparagraph (mm) the following new subparagraph:

(nn) Moneys received under RSA 270-E:5, II(d), which shall be credited to the statewide public boat access fund established in RSA 233-A:13.

5 Allocation of Funds. Expansion of the current department public boat access program shall be a charge against the statewide public boat access fund as follows:

|                                 | FY 1992   | FY 1993   |
|---------------------------------|-----------|-----------|
| 010 Personal services-permanent | \$128,116 | \$133,604 |
| 020 Current expenses            | 8,549     | 9,201     |
| 050 Personal services-other     | 48,345    | 40,000    |

|                     |           |           |
|---------------------|-----------|-----------|
| 060 Benefits        | 39,740    | 41,945    |
| 070 In-state travel | 250       | 250       |
| Total               | \$225,000 | \$225,000 |

Funds received in excess of the above needs shall be utilized to maintain all necessary services to access areas.

6 Positions Authorized. The executive director of the fish and game department is authorized to establish the following classified positions for the statewide public boat access program established in section 2 of this act: one civil engineer III, labor grade 23; one biologist II, labor grade 22; one land agent, labor grade 21; one engineering technician IV, labor grade 18; and one construction foreman, labor grade 15.

7 New Paragraph; Council on Resources and Development. Amend RSA 162-C:2 by inserting after paragraph VII the following new paragraph:

VIII. Provide oversight relative to the statewide public access program, work with the public access advisory board and provide recommendations to the governor and executive council regarding public access.

8 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a public access advisory board and a statewide public boat access program, which is to develop public boat access to public waters. The fish and game department is to carry out the program.

The bill requires that an additional \$5 from each private boat registration sold annually be deposited in an account established by the state treasurer to be called the statewide public boat access fund. The new fund is nonlapsing and continually appropriated.

All costs related to this chapter shall be a charge against the statewide public boat access fund.

Access roads to public boat access areas are designated as service roads.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 231-A**, to repeal the increase in the rates of certain state taxes. INEXPEDIENT TO LEGISLATE.

This bill would immediately roll back last year's tax increases on cigarettes, real estate transfer, beer, rooms and meals, bingo, gasoline and communications services, reducing revenue by \$11 million in FY 91. Given that we already are in deficit for this year, the Committee feels it would be irresponsible and unwise to recommend passage of this bill. Vote 15-0. Rep. Frederick G. Ahrens for Ways and Means.

Rep. Frances Riley spoke to the bill.

Roll call request sufficiently seconded.

The question being the adoption of the Committee report.



**YEAS 236**

Bartlett, Gordon E.  
Hawkins, Robert S.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Allard, Nanci A.  
Foster, Robert W.  
Wiggin, Gordon E.

Champagne, Richard L.  
Feuer, Joseph N.  
Hogan, James B.  
Morse, Jo Ann T.  
Pratt, Irene A.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Pratt, Leighton C.

Adams, Carl S.  
Brown, Patricia B.  
Copenhaver, Marion L.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Wadsworth, Karen O.

Ackerman, Philip M.  
Amidon, Eleanor H.  
Bourque, Ann J.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Durham, Susan B.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gage, Ruth E.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Johnson, Lionel W.  
Kelley, Robert N.  
Larochelle, Roger B.  
Mason, Howard F.  
McNerney, Daniel P.  
Messier, Irene M.

**YEAS 236  
BELKNAP**

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Turner, Robert H.  
Ziegra, Alice S.

**CARROLL**

Chandler, Gene G.  
Jean, Robert R.

**CHESHIRE**

Cole, Stacey W.  
Foster, Katherine D.  
LaMar, David M.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

**COOS**

Hawkinson, Marie C.  
Marsh, Beaton

**GRAFTON**

Arnesen, Deborah L.  
Chambers, Mary P.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Calawa, Leon, Jr.  
Crotty, Edward J.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Fenton, James J.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Holden, Carol H.  
Jordan, Mary H.  
King, Frank P.  
Laughlin, J. Francis  
McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.

**NAYS 93**

Dewhirst, Glenn E.  
Maviglio, Steven R.  
Vogler, Charles C.

Dickinson, Howard C.  
Saunders, Howard N.

Crutchley, Donald O.  
Grodin, Richard A.  
Lynch, Margaret A.  
Perry, David M.  
Spear, Susan S.

Horton, Lynn C.  
Nelson, Harold D.

Brown, Channing T.  
Christy, C. Dana  
Hill, Richard L.  
Lougee, Richard W.  
Shackett, Ralph E.  
Trelfa, Richard T.  
White, Paul R.

Alukonis, David J.  
Baroody, Benjamin C.  
Cote, David E.  
Daigle, Robert A.  
Drolet, Paul L.  
Dyer, Merton S.  
Ferguson, Charles  
Ford, Nancy M.  
Greenglass, Alan B.  
Healy, Daniel J.  
Jasper, Shawn N.  
Kelley, Dana F.  
Kurk, Neal M.  
Lawrence, Eva M.  
McDowell, James E.  
Mercer, Robert S.  
Murphy, Robert E.

O'Rourke, Joanne A.  
Peters, Stanley W.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Turgeon, Roland M.

Paquette, Rodolphe G.  
Pignatelli, Debora B.  
Riley, Frances L.  
Smith, Leonard A.  
Tarpley, Nancy L.  
Wheeler, Robert L.

Perham, Lester R.  
Record, Alice B.  
Rodgers, G. Philip  
Soucy, Donna M.  
Tate, Joan C.

### MERRIMACK

Apple, Lowell D.  
Chandler, Earle W.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, C. William  
Letourneau, George E.  
Millard, Elizabeth S.  
Smith, Gerald R.  
Wallner, Mary Jane  
Yeaton, Charles B.

Asplund, Bronwyn L.  
Chandler, John P.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Molner, Mary E.  
Soldati, Jennifer G.  
Weeks, John F., Jr.

Carter, Susan D.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Jelley, Francis D.  
Kidder, William F.  
Lockwood, Robert A.  
Nichols, Avis B.  
Stio, Peter M.  
Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Connell, David R.  
DiPietro, Carmela M.  
Dube, LeRoy S.  
Flanders, John W., Sr.  
Griebsch, Linda  
Hurst, Sharleene P.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
McCarthy, John J., Jr.  
Rubin, George R.  
Skinner, Patricia M.  
Sytek, John J.  
Tufts, Arthur

Boucher, William P.  
Chulack, Peter G., Sr.  
Cooke, Annette M.  
Dowling, Patricia A.  
Felch, Charles H., Sr.  
Ford, Bert H.  
Haynes, Richard  
Hynes, Carolyn E.  
Keith, Brenda E.  
Lovejoy, Virginia K.  
Magoon, Harold F.  
McKinney, Betsy  
Senter, Marilyn P.  
Syracusa, Anthony  
Terninko, Margaret B.

Buco, Stephen W.  
Coffey, John J.  
Cote, Patricia L.  
Drake, Herbert R.  
Flanders, Harry E.  
Gage, Beverly A.  
Hoar, John, Jr.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
McCain, William F.  
Raynowska, Bernard J.  
Simon, Peter M.  
Sytek, Donna P.  
Thayer, Leroy C.

### STRAFFORD

Appleby, James E.  
Foss, Patricia H.  
Kinney, Paula J.  
Merrill, Amanda A.  
Parks, Joe B.  
Tsiros, William  
Wheeler, Katherine W.

Bickford, Drucilla  
Frechette, Roland A.  
Martling, W. Kent  
Nehring, William H.  
Pelley, Janet R.  
Vincent, Francis C.  
Young, John B.

Flynn, Edward J.  
Keans, Sandra B.  
McCann, William H., Jr.  
O'Brien, John  
Torr, Ann M.  
Wall, Janet G.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Peyron, Fredrik  
Stamatakis, Carol M.

Burling, Peter Hoe  
Lindblade, Eric N.  
Rodeschin, Beverly T.

Flint, Gordon B.  
Middleton, John A.  
Schotanus, Merle W.

### NAYS 93 BELKNAP

Accornero, Harry  
Joscelyn, William W.

Golden, Paul A.  
Rosen, Ralph J.

Johnson, Carl R.

### CARROLL

Beach, Mildred A.

Bradley, Jeb E.

### CHESHIRE

Burnham, Daniel M.  
Kingsbury, H. Thayer

DePecol, Benjamin J.  
Laurent, John J.

Kennison, Wayne A.

### COOS

Mayhew, Josephine

Theriault, Romeo J.

### GRAFTON

Dow, David  
Nordgren, Sharon L.

Guest, Robert H.

Markley, J. Keith

### HILLSBOROUGH

Andrews, Frederick B.  
Chasse, Richard D.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Green, Scott E.  
Hultgren, David D.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
Ouellette, Robert O.  
Reidy, Frank J.  
Vanderlosk, Stanley R.

Baldizar, Barbara J.  
Clemons, Jane A.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Haettenschwiller, Alphonse  
Keane, Cornelius J.  
Lawrence, Norman B.  
Lozeau, Donnalee M.  
Packard, Bonnie B.  
Rothhaus, Finlay C.  
Wheeler, David K.

Buckley, Raymond  
Cook, Valerie S.  
Dodge, Emma M.  
Gagnon, Gabrielle V.  
Hall, Betty B.  
L'Heureux, Robert J.  
Lefebvre, Roland J.  
Martin, Mary Ellen  
Pepino, Leo P.  
Upton, Barbara A.  
White, John M.

### MERRIMACK

Barberia, Richard A.  
Daneault, Gabriel J.  
Stapleton, Henry F.

Braiterman, Thea  
Dunn, Miriam D.  
Trombly, Rick A.

Christie, Thomas J.  
Jacobson, Alf E.

### ROCKINGHAM

Caswell, Albert, Jr.  
Dowd, Sandra K.  
Hutchinson, Karen K.  
Melnick, Roy E.  
Rosencrantz, James R.  
Schmidtchen, Rowland H.  
Vaughn, Charles L.  
Weyler, Kenneth L.

Clark, Martha Fuller  
Falwell, Robert V.  
Kane, Cecelia D.  
Packard, Sherman A.  
Roulston, Donald L.  
Smith, Arthur W.  
Warburton, Calvin  
Woods, Deborah L.

Conroy, Janet M.  
Flanders, David A.  
Malcolm, Kenneth W.  
Pantelakos, Laura C.  
Schanda, Joseph, Sr.  
Splaine, John E., Sr.  
Welch, David A.

### STRAFFORD

Brown, Julie M.  
Hashem, Elaine M.  
Pageotte, Donald P.

Douglass, Clyde J.  
Jankowski, Peter M.  
Spencer, Leo J.

Hambrick, Patricia A.  
Messier, Donald R.  
Sullivan, Henry P.

**SULLIVAN**

Allison, David C. Tetu, Michael A.

and the Committee report was adopted.

Reps. Lefebvre and Andrews notified the Clerk that he inadvertently voted nay and intended to vote yea.

Reps. Zaharchuk, Paquette and Patricia Brown notified the Clerk that they inadvertently voted yea and intended to vote nay.

**SPECIAL ORDER**

Rep. Gross moved that HB 594, relative to repealing the law relative to the reorganization of Public Service Company of New Hampshire, be made a special order for Wednesday, March 13, 1991 at 2:00 p.m.

Adopted.

**SPECIAL ORDERS**

Without objection, the Speaker made all remaining bills Special Orders for Wednesday next. House Bill 642, HCR 10, House Bills 272, 286, 424, 367, 408, 620, 779, 136, 215, 507, 250, 495, 657, 245, 710, 415, 590, 678, 192, 676 and 268.

**MOTION ON CACR**

Rep. Gross moved that CACR 7 be read a third time and passed.

On a division voted, 341 members having voted in the affirmative and 2 in the negative, CACR 7 was passed by the necessary three-fifths.

**(Third Reading and Final Passage)**

**CACR 7**, relative to the incompatibility of holding a state office and being called up for temporary military active duty. Providing that members of military reserves and national guard units occasionally called upon in an emergency shall be allowed to hold state offices.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 13, 1991.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 189**, relative to the rulemaking authority of the director of the office of securities regulation.

**HB 414**, relative to unfair claim settlement practices.

**HB 313**, relative to conversion between mutual savings banks, cooperative banks, building and loan associations, guaranty savings banks, savings and loan associations, and commercial banks and trust companies.

**HB 637-FN**, relative to insurance fraud.

**HB 544**, relative to the time for hearing appeals before the ballot law commission and relative to appointing alternate ballot law commission members.

**HR 13**, urging school districts to include in their curricula a minimum of 16 hours per year in instruction on alcohol and drug abuse prevention.



**HB 153-FN**, to regulate the handling of manure, agricultural compost and chemical fertilizers.

**HB 490-FN**, relative to continuation of state health and dental insurance benefits for state employees called for active duty as a result of Operation Desert Storm.

**HB 713-FN**, relative to the general counsel of the public utilities commission.

**HB 205**, restricting the method of taking freshwater smelt.

**HB 397-FN**, relative to persons afflicted with Alzheimer's disease.

**HB 460-FN**, relative to the health data advisory committee.

**HB 597-FN**, relative to licensing of nurses.

**HB 531-FN**, relative to personal care for the severely physically disabled.

**HB 768-FN**, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefits.

**HB 685-FN**, relative to fiscal notes.

**HB 619-FN**, relative to central business districts.

**HB 334-FN**, relative to the establishment of agency liquor stores.

**HB 402**, relative to placing lime and wood ash on farmland.

**HB 459**, relative to notice received by the wetlands board from local conservation commissions.

**HB 722-FN**, relative to the control and regulation of billboards and other advertising devices and establishing an outdoor advertising study committee.

**HCR 2**, urging Congress to propose a constitutional amendment requiring a balanced federal budget.

**HCR 8**, urging Channel 8 (WMTW) of Auburn, Maine to provide coverage of New Hampshire news and events and to allow another television channel providing such coverage to broadcast from the Mt. Washington summit.

**HB 683-FN-A**, establishing a transportation task force for the twenty-first century and making an appropriation therefor.

**HB 392-FN**, relative to payment of child support.

**HB 502-FN-A**, relative to child care resource and referral systems and making an appropriation therefor.

**HCR 7**, adopting a bill of rights for children.

**HB 349**, relative to the charter of the New Hampshire Centennial Home for the Aged.

**HB 409-FN-A**, establishing an industrial heritage commission and industrial heritage park fund and making an appropriation therefor.

**HB 705-FN-A**, establishing the New Hampshire scenic byways planning program.

### NOTICE OF RECONSIDERATION

Having voted with the prevailing side, Rep. Gross served notice that on March 13, 1991 or some subsequent day as limited by the rules would move that the House reconsider its action whereby it found CACR 8, relative to conscientious objection to the method and content of education. Providing that no person shall be compelled to send any child for whom such person is legally responsible to any school to which such person may be conscientiously opposed, Inexpedient to Legislate.

Rep. Michael Hill moved that the House stand in recess for the purpose of introduction of bills and enrolled bill reports only.

Adopted.

The House recessed at 6:03 p.m.

#### RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 11**

Wednesday, March 13, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beirsto.

Almighty God, whose love is boundless, we praise You for Your gifts beyond measure, and pray that You will help us to use them well. We thank You for our colleagues in this House, and for the opportunities that are ours to meet the vast number of challenges that are before this body. Give to each member, we pray, that measure of objectivity and patriotism that will allow personal desires and constituent pressures to give way to the public good. Amen.

Rep. Donovan led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice CampbellHurst, Parr, Swope, Romeo Jean, Feuerstein, Bernard, Ackerman, Hickey, Eugene Clark, Richard Campbell, Jr., Anderson, Asplund and Zaharchuk, the day, illness.

Reps. Bean, Teague, MacKinnon, A. Gibb Dodge, Jr., Wall, Markley, Baldizar and David Young (military service), the day, important business.

Reps. Marsh, Irene Pratt, and Metzger, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Tatiana Khranov and Fran Belcher, guests of Rep. John Chandler. Members of the National Federation of Independent Businesses, guests of Rep. Greenglass. Mr. and Mrs. Robert Day, guests of Rep. Burns.

**COMMUNICATIONS**

Hon. Harold W. Burns, Speaker of the House

I am in receipt of the approved resolution supporting our troops you forwarded to me.

I want to thank you, the House of Representatives of the State of New Hampshire, for the unanimous support for our troops and the soldiers from all branches of service.

Your continued support is very important to all of us who wear the uniform and to our families. Thank you and God Bless to all who support our troops and their families.

Sincerely,  
Thomas C. Stones, Major General,  
94th U.S. Army Reserve Command

**RECONSIDERATION**

Rep. Gross moved that the House reconsider its action whereby it found **CACR 8**, relating to conscientious objection to the method and content of education. Providing that no person shall be compelled to send any child for whom such person is legally responsible to any school to which such person may be conscientiously opposed. Inexpedient to Legislate, spoke to her motion and yielded to questions.

Roll call request sufficiently seconded.

The question being on the motion to reconsider.

## YEAS 170

## NAYS 149

YEAS 170  
BELKNAP

Accornero, Harry  
Rice, Thomas E. P., Jr.  
Ziegler, Alice S.

Golden, Paul A.  
Rosen, Ralph J.

Johnson, Carl R.  
Vogler, Charles C.

## CARROLL

Beach, Mildred A.  
Saunders, Howard N.

Daly, Robert J., Jr.

Jean, Robert R.

## CHESHIRE

Champagne, Richard L.  
Grodin, Richard A.  
Kennison, Wayne A.  
Laurent, John J.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hogan, James B.  
Kingsbury, H. Thayer  
Lynch, Margaret A.

Feuer, Joseph N.  
Hunt, John B.  
LaMar, David M.  
Morse, Jo Ann T.

## COOS

Brungot, Catherine V.  
Horton, Lynn C.

Buckley, C. Fitzgerald  
Kilbride, Dennis J.

Coulombe, Henry W.  
Merrill, Gerald P.

## GRAFTON

Brown, Patricia B.  
Stewart, Roger D.  
Whitcomb, Henry F., Jr.

Dow, David  
Trelfa, Richard T.  
White, Paul R.

Driscoll, William J.  
Wadsworth, Karen O.

## HILLSBOROUGH

Ahrens, Frederick G.  
Andrews, Frederick B.  
Buckley, Raymond  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Gagnon, Eugene L.  
Haettenschwiller, Alphonse  
Johnson, Lionel W.  
King, Frank P.  
Laroche, Roger B.  
Leclerc, Charles J.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Ouellette, Robert O.  
Peters, Stanley W.  
Rothhaus, Finlay C.  
Tarpley, Nancy L.  
Upton, Barbara A.

Alukonis, David J.  
Arnold, Barbara E.  
Chasse, Richard D.  
Daigle, Robert A.  
Dodge, Emma M.  
Drolet, Paul L.  
Elliott, Larry G.  
Green, Scott E.  
Hanselman, Gregory L.  
Keane, Cornelius J.  
Kurk, Neal M.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
McDowell, James E.  
Messier, Irene M.  
Pepino, Leo P.  
Record, Alice B.  
Searles, Stanley N., Sr.  
Tate, Joan C.  
Vanderlosk, Stanley R.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Gage, Ruth E.  
Greenglass, Alan B.  
Holden, Carol H.  
Kelley, Dana F.  
Lachut, Ervin R.  
Lawrence, Norman B.  
Mason, Howard F.  
McRae, Karen K.  
Nardi, Theodora P.  
Perham, Lester R.  
Rheault, Lillian I.  
Stiles, Walter A.  
Turgeon, Roland M.  
Wheeler, David K.

## MERRIMACK

Barberia, Richard A.  
Christie, Thomas J.

Carter, Susan D.  
Fillion, Paul R.

Chandler, John P.  
Jelley, Francis D.



Johnson, C. William  
Lewis, Mary Ann  
Stio, Peter M.

Kidder, William F.  
Millard, Elizabeth S.  
Trombly, Rick A.

Letourneau, George E.  
Stapleton, Henry F.  
Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
Conroy, Janet M.  
Drake, Herbert R.  
Flanagan, Natalie S.  
Hoar, John, Jr.  
Johnson, Robert A.  
Keith, Brenda E.  
Magoon, Harold F.  
Packard, Sherman A.  
Rosencrantz, James R.  
Smith, Arthur W.  
Tufts, Arthur  
Welch, David A.

Brown, Jeffrey M.  
Cote, Patricia L.  
Falwell, Robert V.  
Flanders, David A.  
Hoelzel, Kathleen M.  
Kane, Cecelia D.  
Klemarczyk, Thaddeus E.  
McCarthy, John J., Jr.  
Palazzo, Frank J.  
Senter, Marilyn P.  
Splaine, John E., Sr.  
Vaughn, Charles L.  
Weyler, Kenneth L.

Campbell, Marilyn R.  
DiPietro, Carmela M.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Hynes, Carolyn E.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
McKinney, Betsy  
Raynowska, Bernard J.  
Seward, Russell G.  
Sytek, John J.  
Warburton, Calvin

### STRAFFORD

Corte, Arthur B.  
Frechette, Roland A.  
Kincaid, William K.  
Nehring, William H.  
Spencer, Leo J.  
Young, John B.

Flynn, Edward J.  
Gilmore, Gary R.  
Kinney, Paula J.  
Pageotte, Donald P.  
Torr, Ralph W.

Foss, Patricia H.  
Hambrick, Patricia A.  
Marston, Robert E.  
Pelley, Janet R.  
Wheeler, Katherine W.

### SULLIVAN

Domini, Irene C.

Middleton, John A.

Tetu, Michael A.

### NAYS 149 BELKNAP

Bartlett, Gordon E.  
Holbrook, Robert G.  
Salatiello, Thomas B.

Cain, Thomas G.  
Joscelyn, William W.  
Shibley, Arnold P.

Dewhirst, Glenn E.  
Maviglio, Steven R.  
Turner, Robert H.

### CARROLL

Allard, Nanci A.  
Foster, Robert W.

Bradley, Jeb E.  
Wiggin, Allen R.

Chandler, Gene G.  
Wiggin, Gordon E.

### CHESHIRE

Burnham, Daniel M.  
DePecol, Benjamin J.  
Pearson, Gertrude B.

Cole, Kenneth A.  
Doucette, Richard F.  
Perry, David M.

Cole, Stacey W.  
Foster, Katherine D.  
Spear, Susan S.

### COOS

Guay, Lawrence J.  
Nelson, Harold D.

Hawkinson, Marie C.  
Oliver, Terry D.

Mayhew, Josephine  
Therhault, Romeo J.

### GRAFTON

Adams, Carl S.  
Christy, C. Dana

Brown, Channing T.  
Copenhaver, Marion L.

Chambers, Mary P.  
Guest, Robert H.

Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.

LaMott, Paul I.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Ward, Kathleen W.

### HILLSBOROUGH

Baroody, Benjamin C.  
Clemons, Jane A.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gagnon, Gabrielle V.  
Gureckis, Adam C., Sr.  
Hultgren, David D.  
L'Heureux, Robert J.  
McNerney, Daniel P.  
Paquette, Rodolphe G.  
Soucy, Donna M.  
White, John M.

Bourque, Ann J.  
Cote, David E.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Hall, Betty B.  
Jordan, Mary H.  
Lawrence, Eva M.  
Moore, Elizabeth A.  
Pignatelli, Debora B.  
Steiner, Lee Anne  
Wihby, Linda S.

Calawa, Leon, Jr.  
Desrochers, Gerard T.  
Fenton, James J.  
Ford, Nancy M.  
Goulet, Maurice E.  
Healy, Walter F.  
Kelley, Robert N.  
Lown, Elizabeth D.  
O'Rourke, Joanne A.  
Rodgers, G. Philip  
Wheeler, Robert L.  
Wright, George W.

### MERRIMACK

Apple, Lowell D.  
Chandler, Earle W.  
Gross, Caroline L.  
Jacobson, Alf E.  
Soldati, Jennifer G.

Boucher, Laurent J.  
Daneault, Gabriel J.  
Hager, Elizabeth S.  
Johnson, Joyce M.  
Wallner, Mary Jane

Braiterman, Thea  
Dunn, Miriam D.  
Hill, Michael J.  
Molner, Mary E.  
Yeaton, Charles B.

### ROCKINGHAM

Bell, Juanita L.  
Caswell, Albert, Jr.  
Coffey, John J.  
Dowling, Patricia A.  
Ford, Bert H.  
Haynes, Richard  
MacDonald, Joseph A.  
Pantelakos, Laura C.  
Schmidtchen, Rowland H.  
Syracusa, Anthony  
Woods, Deborah L.

Benton, Richardson D.  
Chulack, Peter G., Sr.  
Connell, David R.  
Dube, LeRoy S.  
Greene, Elizabeth A.  
Hutchinson, Karen K.  
McCain, William F.  
Rubin, George R.  
Simon, Peter M.  
Terninko, Margaret B.

Buco, Stephen W.  
Clark, Martha Fuller  
Dowd, Sandra K.  
Flanders, John W., Sr.  
Gribsch, Linda  
Lovejoy, Virginia K.  
McGovern, Cynthia A.  
Schanda, Joseph, Sr.  
Skinner, Patricia M.  
Thayer, Leroy C.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Keans, Sandra B.  
Musler, George T.  
Sullivan, Henry P.

Bickford, Drucilla  
Hashem, Elaine M.  
Merrill, Amanda A.  
O'Brien, John  
Torr, Ann M.

Brown, Julie M.  
Jankowski, Peter M.  
Messier, Donald R.  
Parks, Joe B.  
Vincent, Francis C.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Schotanus, Merle W.

Behrens, Thomas A.  
Lindblade, Eric N.

Burling, Peter Hoe  
Rodeschin, Beverly T.

and reconsideration was adopted.

Rep. Nielsen notified the Clerk that he wished to be recorded in favor of reconsideration.

The question now being adoption of the Committee report, Inexpedient to Legislate.

Roll call request sufficiently seconded.

The question being the adoption of the Committee report.

**YEAS 277****NAYS 54****YEAS 277****BELKNAP**

Accornero, Harry  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Bartlett, Gordon E.  
Golden, Paul A.  
Joscelyn, William W.  
Rosen, Ralph J.  
Vogler, Charles C.

Cain, Thomas G.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Shibley, Arnold P.  
Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.  
Foster, Robert W.

Bradley, Jeb E.  
Saunders, Howard N.

Chandler, Gene G.  
Wiggin, Allen R.

**CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Foster, Katherine D.  
Kennison, Wayne A.  
Laurent, John J.  
Pearson, Gertrude B.  
Spear, Susan S.

Champagne, Richard L.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Perry, David M.

Cole, Stacey W.  
Doucette, Richard F.  
Hogan, James B.  
LaMar, David M.  
Morse, Jo Ann T.  
Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Mayhew, Josephine  
Theriault, Romeo J.

Coulombe, Henry W.  
Horton, Lynn C.  
Nelson, Harold D.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Wadsworth, Karen O.  
White, Paul R.

Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Ward, Kathleen W.

Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Amidon, Eleanor H.  
Baroody, Benjamin C.  
Buckley, Raymond  
Clemons, Jane A.  
Crotty, Edward J.  
Desrosiers, William J.

Andrews, Frederick B.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cote, David E.  
Daigle, Robert A.  
Dodge, Emma M.

Arnold, Barbara E.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.

Donovan, Francis X.  
 Dyer, Merton S.  
 Ferlan, Arthur P.  
 Gage, Ruth E.  
 Goulet, Maurice E.  
 Haettenschwiler, Alphonse  
 Healy, Walter F.  
 Jasper, Shawn N.  
 Keane, Cornelius J.  
 King, Frank P.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 Mason, Howard F.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Paquette, Rodolphe G.  
 Pignatelli, Debora B.  
 Rodgers, G. Philip  
 Soucy, Donna M.  
 Tarpley, Nancy L.  
 Upton, Barbara A.  
 White, John M.

Drolet, Paul L.  
 Emerton, Lawrence A.  
 Fields, Dennis H.  
 Gagnon, Gabrielle V.  
 Green, Scott E.  
 Hall, Betty B.  
 Holden, Carol H.  
 Johnson, Lionel W.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Laughlin, J. Francis  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Perham, Lester R.  
 Record, Alice B.  
 Sallada, Roland A.  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Vanderlosk, Stanley R.  
 Wihby, Linda S.

Durham, Susan B.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Gosselin, Gerald O.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 Hultgren, David D.  
 Jordan, Mary H.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lawrence, Eva M.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 Wheeler, Robert L.  
 Wright, George W.

### MERRIMACK

Apple, Lowell D.  
 Carter, Susan D.  
 Dunn, Miriam D.  
 Gross, Caroline L.  
 Jacobson, Alf E.  
 Kidder, William F.  
 Molner, Mary E.  
 Stio, Peter M.  
 Whittemore, James A.

Boucher, Laurent J.  
 Chandler, John P.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Johnson, C. William  
 Letourneau, George E.  
 Soldati, Jennifer G.  
 Trombly, Rick A.  
 Yeaton, Charles B.

Braiterman, Thea  
 Daneault, Gabriel J.  
 Gilbreth, Robert M.  
 Hill, Michael J.  
 Johnson, Joyce M.  
 Lewis, Mary Ann  
 Stapleton, Henry F.  
 Wallner, Mary Jane

### ROCKINGHAM

Barnes, John S., Jr.  
 Buco, Stephen W.  
 Christie, Andrew, Jr.  
 Coffey, John J.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Griebisch, Linda  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Rubin, George R.

Bell, Juanita L.  
 Campbell, Marilyn R.  
 Chulack, Peter G., Sr.  
 Connell, David R.  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Haynes, Richard  
 Hynes, Carolyn E.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McCain, William F.  
 Pantelakos, Laura C.  
 Schanda, Joseph, Sr.

Benton, Richardson D.  
 Caswell, Albert, Jr.  
 Clark, Martha Fuller  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Dube, LeRoy S.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Schmidtchen, Rowland H.



Senter, Marilyn P.  
 Skinner, Patricia M.  
 Syracuse, Anthony  
 Thayer, Leroy C.  
 Woods, Deborah L.

Seward, Russell G.  
 Smith, Arthur W.  
 Sytek, Donna P.  
 Tufts, Arthur

Simon, Peter M.  
 Splaine, John E., Sr.  
 Terninko, Margaret B.  
 Vaughn, Charles L.

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Hashem, Elaine M.  
 Kinney, Paula J.  
 Musler, George T.  
 Parks, Joe B.  
 Sullivan, Henry P.  
 Wheeler, Katherine W.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 Merrill, Amanda A.  
 Nehring, William H.  
 Pelley, Janet R.  
 Torr, Ann M.  
 Young, John B.

Brown, Julie M.  
 Flynn, Edward J.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 Messier, Donald R.  
 Pageotte, Donald P.  
 Spencer, Leo J.  
 Vincent, Francis C.

### SULLIVAN

Allison, David C.  
 Domini, Irene C.  
 Middleton, John A.  
 Tetu, Michael A.

Behrens, Thomas A.  
 Flint, Gordon B.  
 Rodeschin, Beverly T.  
 Walsh, Robert R.

Burling, Peter Hoe  
 Lindblade, Eric N.  
 Schotanus, Merle W.

### NAYS 54 BELKNAP

Salatiello, Thomas B.

### CARROLL

Beach, Mildred A.  
 Wiggin, Gordon E.

Daly, Robert J., Jr.

Jean, Robert R.

### CHESHIRE

Cole, Kenneth A.

Feuer, Joseph N.

Hunt, John B.

### COOS

Buckley, C. Fitzgerald

Merrill, Gerald P.

### GRAFTON

Dow, David

Nielsen, Niels F., Jr.

### HILLSBOROUGH

Ahrens, Frederick G.  
 Drabinowicz, A. Theresa  
 Gagnon, Eugene L.  
 Leclerc, Charles J.  
 Ouellette, Robert O.  
 Riley, Frances L.

Alukonis, David J.  
 Elliott, Larry G.  
 Greenglass, Alan B.  
 McDowell, James E.  
 Packard, Bonnie B.  
 Rothhaus, Finlay C.

Daniels, Gary L.  
 Fenton, James J.  
 Kurk, Neal M.  
 Nardi, Theodora P.  
 Pepino, Leo P.  
 Wheeler, David K.

### MERRIMACK

Barberia, Richard A.  
 Jelley, Francis D.

Chandler, Earle W.  
 Millard, Elizabeth S.

Christie, Thomas J.

### ROCKINGHAM

Brown, Jeffrey M.  
 Hutchinson, Karen S.

Falwell, Robert V.  
 Kane, Cecelia D.

Flanders, David A.  
 Keith, Brenda E.

McKinney, Betsy  
 Rosencrantz, James R.  
 Welch, David A.

Packard, Sherman A.  
 Sytek, John J.  
 Weyler, Kenneth L.

Palazzo, Frank J.  
 Warburton, Calvin

#### STRAFFORD

Frechette, Roland A.  
 O'Brien, John

Kincaid, William K.  
 Torr, Ralph W.

Marston, Robert E.

#### SULLIVAN

None

and the report was adopted.

#### SPECIAL ORDERS

**HB 424**, relative to the qualifications for a state representative to hold office. **IN-EXPEDIENT TO LEGISLATE.**

After listening to the testimony, the Committee determined there was no problem with the current statutes and found no reason to pass this bill. Vote 12-0. Rep. Sharleene P. Hurst for Constitutional and Statutory Revision.

Rep. Vaughn moved that the words Re-refer to Committee be substituted for the report of the Committee. Inexpedient to Legislate. spoke to his motion and withdrew his motion.

Adopted.

**HB 779-FN**, granting the parents of school children who attend a school other than the public school assigned to the child, an education voucher issued by the state. **INEXPEDIENT TO LEGISLATE.**

It appears that this bill would seriously impact the local districts financially, therefore mandating a program without the required state funding. In addition, this bill has issues which are questionable as to the constitutionality of the concept. Vote 19-1. Rep. Charles B. Yeaton for Education.

Adopted.

**HB 136-FN**, relative to current use assessments and the land use change tax. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 136 is the result of a study committee that worked very hard last year on a bill to clarify the intent of certain parts of the existing Current Use Law. The amendment fine tunes the hard work of the Subcommittee. Issues dealing with the economic impact of current use will be addressed in HBI 1 later this session. Vote 16-2. Rep. David M. Scanlan for Environment and Agriculture.

#### Amendment

Amend RSA 79-A:2 as inserted by section 3 of the bill by replacing it with the following:

79-A:2 Definitions. In this chapter:

- I. "Assessing official" means the assessing authority of any town, city or place.
- II. "Board" means the current use board established by RSA 79-A:3.
- III. "Board of tax and land appeals" means the board of tax and land appeals established pursuant to the provisions of RSA 71-B:1.
- IV. "Commissioner" means the commissioner of the department of revenue administration.

V. "Current use value" means the assessed valuation per acre of open space land based upon the income-producing capability of the land in its current use, and not its real estate market value. This valuation shall be determined by the assessor in accord-

ance with the range of current use values established by the board and in accordance with the class, type, grade and location of land.

VI. "Farm land" means any cleared land devoted to or capable of agricultural or horticultural use as determined and classified by criteria developed by the commissioner of agriculture and adopted by the board.

VII. "Forest land" means any land growing trees as determined and classified by criteria developed by the state forester and adopted by the board. For the purposes of this paragraph, no distinction shall be made between managed and unmanaged forest land.

VIII. "Golf course land" means a parcel of land, 10 acres or more, used in the playing of the game of golf including greens, fairways, tees, sand traps, and roughs, and such other areas which are located within the established playing area.

IX. "Land use change tax" means a tax that shall be levied when the land use changes from open space use to a non-qualifying use.

X. "Open space land" means any or all farm land, forest land, golf course land or unproductive land as defined by this section. However, "open space land" shall not include any property held by a city, town or district in another city or town for the purpose of a water supply or flood control, for which a payment in place of taxes is made in accordance with RSA 72:11.

XI. "Owner" means the person who is the owner of record of any land.

XII. "Person" means any individual, firm, corporation, partnership or other form of organization or group of individuals.

XIII. "Soil potential index" means the production capability of land as determined by the United States Soil Conservation Service.

XIV. "Unproductive land" means land, including wetlands, which by its nature is incapable of producing agricultural or forest products due to poor soil or site characteristics, or the location of which renders it inaccessible or impractical to harvest agricultural or forest products, as determined and classified by criteria developed by the board. The board shall develop only one category for all unproductive land, setting its current use value equal to that of the lowest current use value established by the board for any other category.

XV. "Wetlands" means those areas of farm, forest and unproductive land that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Amend RSA 79-A:4, I, II and III as inserted by section 7 of the bill by replacing them with the following:

I. It shall meet at least annually, after July 1, to establish a schedule of criteria and current use values to be used for the succeeding year. It shall have the power to establish minimum acreage requirements of 10 acres or less. It shall also review all past current use values and criteria for open space land established by past boards. The board shall make such changes and improvements in the administration of this chapter as experience and public reaction may recommend.

II. The board shall reduce by 20 percent the current use value of land which is open 12 months a year to public recreational use, without entrance fee, and which also qualifies for current use assessment under an open space category. There shall be no prohibition of skiing, snowshoeing, fishing, hunting, hiking or nature observation on such open space land, unless these activities would be detrimental to a specific

agricultural or forest crop or activity. The owner of land who opens his land to public recreational use as provided in this paragraph shall not be liable for personal injury or property damage to any person, and shall be subject to the same duty of care as provided in RSA 212:34.

III. The board shall annually adopt rules, pursuant to RSA 541-A, to implement the schedule of criteria and current use values for use in the forthcoming tax year. As a part of the rulemaking process, the board shall hold a series of 4 public hearings throughout the state on its rulemaking proposals and to receive general comment on the current use law.

Amend RSA 79-A:5, I as inserted by section 8 of the bill by replacing it with the following:

I. The selectmen or assessing officials shall appraise open space land as classified under the provisions of this chapter, excluding any building, appurtenance or other improvement [thereon] *on the land*, at valuations based upon the current use values established by the board. *The valuations shall be equalized for the purpose of assessing taxes.* The selectmen or assessing officials shall use the soil potential index when available, to determine the value of farm land within the ranges established by the board. It shall be the duty of the owner to provide the soil potential index to the selectmen or assessing officials.

Amend RSA 79-A:5, VII as inserted by section 10 of the bill by replacing it with the following:

VII. A fee, in accordance with RSA 478:17-g, I, shall be paid by the owner for each parcel which is classified as open space land to the local assessing officials, to be paid over to the register of deeds for recording the notice of contingent lien. The notice of contingent lien shall constitute notice to all interested parties that a lien on the parcel shall be created if and when the land is subsequently disqualified from current use assessment, as provided in RSA 79-A:7, II(e) and RSA 80:85.

Amend RSA 79-A:7, V(a) as inserted by section 15 of the bill by replacing it with the following:

*(a) When a road is constructed or other utilities installed pursuant to a development plan which has received all necessary local, state or federal approvals, all lots or building sites, including roads and utilities, shown on the plan and served by such road or utilities shall be considered changed in use, with the exception of any lot or site, or combination of adjacent lots or sites under the same ownership, large enough to remain qualified for current use assessment under the completed development plan; provided, however, that if any physical changes are made to the land prior to the issuance of any required local, state or federal permit or approval, or if such changes otherwise violate any local, state or federal law, ordinance or rule, the local assessing officials may delay the assessment of the land use change tax until any and all required permits or approvals have been secured, or illegal actions remedied, and may base the land use change tax assessed under RSA 79-A:7 upon the land's full and true value at that later time.*

Amend the bill by replacing section 16 with the following:

16 New Subparagraphs; When Land Use Not Considered Changed. Amend RSA 79-A:7, VI by inserting after subparagraph (b) the following new subparagraphs:

(c) Land accorded current use assessment in one category is changed in use to any other qualifying category.



(d) A parcel of land under current use assessment no longer conforms to the criteria established by the board, either because of size, or because it has been used to meet density or other requirements as part of a development site, but such parcel has, prior to the time when the land use change tax would otherwise become delinquent, been made subject to conservation restrictions rendering such parcel eligible for conservation restriction assessment pursuant to RSA 79-B.

(e) Land under current use assessment is changed in use so that it is eligible for conservation restriction assessment pursuant to RSA 79-B.

Amend the bill by deleting section 17 and renumbering sections 18-27 to read as 17-26, respectively.

Amend the bill by replacing the renumbered section 24 with the following:

24 Repeal. The following are repealed:

I. RSA 79-A:5, V, relative to rulemaking.

II. RSA 79-A:15, III and IV, relative to golf courses.

#### AMENDED ANALYSIS

This bill makes a number of changes in RSA 79-A, the current use tax law, based upon the recommendations of the legislative study committee on current use. These changes include:

(1) Changing the current use advisory board to the current use board and amending its number, powers, and duties. The board is administratively attached to the department of revenue administration.

(2) Rewriting the definition section, especially those definitions which relate to types of land which qualify for current use assessment.

(3) Requiring that current use valuations be equalized for tax assessment purposes.

(4) Specifying that a notice of contingent lien be filed with the register of deeds when land is classified as current use land.

(5) Clarifying provisions relating to the land use change tax including the form of the tax bill, and when the tax bill is to be sent.

(6) Defining when land is eligible for current use assessment.

(7) Requiring the current use board to reclassify all land now under current use assessment under the new classification system.

(8) Reorganizing certain rulemaking provisions.

Adopted.

Report adopted.

Ordered to third reading.

**HB 215-FN**, relative to removing vegetation obstructing advertising devices and planting lilac bushes. **INEXPEDIENT TO LEGISLATE.**

As drafted, this bill would allow clearcutting along highways for distances as great as 1100 feet to enhance the visibility of billboards. There was compelling testimony that lilacs were not well-suited for replanting in these areas. A majority of the Committee agreed that while advertising is important to the state economy, particularly tourism, the natural landscape along our roads attracts more tourists than do billboards. Vote 15-4. Rep. Gregory L. Hanselman for Environment and Agriculture.

Adopted.

**HB 507-FN**, to impose a disposable diaper fee. **INEXPEDIENT TO LEGISLATE.**

House Bill 507, in its present form would be difficult not only on the state to administer, but on the residents of the state. There are large sections of the state that do not have access to diaper service, and a large number of landlords who do not allow washing machines in apartments. Also, a number of public laundromats that do not allow the washing of diapers. Because of the lack of an alternative, it would be a hardship to impose such a fee on disposable diapers at this time. Vote 15-1. Rep. Marilyn R. Campbell for Environment and Agriculture.

Rep. LaMar spoke against and yielded to questions.

Rep. Cole spoke against.

Rep. Marilyn Campbell spoke in favor.

Rep. Trombly spoke in favor and yielded to questions.

Adopted.

**HB 250-FN**, relative to the board of nursing. **OUGHT TO PASS WITH AMENDMENT.**

This bill tightens the provisions regarding disciplinary actions of the Board of Nursing, sets forth procedures for hearings and investigations by the Board. The amendment clarifies the definition of unprofessional conduct and reduces the maximum fine to be levied by the Board. Vote 13-1. Rep. Maurice E. Goulet for Executive Departments and Administration.

### Amendment

Amend RSA 326-B:12, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Dishonest or unprofessional conduct, including, but not limited to intentionally harming, abusing or exploiting a patient, defrauding or harming the public in matters related to the practice of nursing, willfully failing to maintain accurate and complete nursing records, acts of omission or commission when practicing nursing as set forth in rules adopted by the board pursuant to RSA 541-A, and violating disciplinary orders or settlement agreements approved by the board;

Amend the bill by replacing sections 2-4 with the following:

2 Disciplinary Action. Amend RSA 326-B:12, III(f) and (g) to read as follows:

(f) By requiring the person to submit [evidence of receipt of] *to the care, counseling, or treatment [as determined by] of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board; [or]*

(g) By requiring the person to practice under the [direction] *direct supervision* of a registered nurse [in a public institution, public or private health care program or private practice] for a period of time specified by the board[.]; *or*

3 New Subparagraph; Civil Penalty. Amend RSA 326-B:12, III by inserting after subparagraph (g) the following new subparagraph:

(h) By imposition of a civil penalty not to exceed \$1,000 for each violation or, in the case of a continuing violation, \$100 for each day the violation continues.

4 Imposition of Civil Penalties. Amend RSA 326-B:12, V to read as follows:

V. Every individual, agency, facility, institution or organization [which] *that* employs nurses within the state shall report to the board within 30 days any action [which] *by a nurse that willfully violates paragraph II of this [chapter] section. The*

*board shall have authority, after notice and the opportunity for hearing, to impose civil penalties of up to \$1,000 per violation upon persons found to have willfully violated the reporting requirements of this paragraph.*

Amend RSA 326-B:13, V and VI as inserted by section 7 of the bill by replacing it with the following:

V. The board may at any time subpoena health care records, except for quality assurance records of health facilities licensed under RSA 151, from its licensees and from hospitals and from other health care providers or facilities licensed or certified in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the licensee's current license or certificate, and no witness or other fee shall be required. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

VI. Complaints of licensee misconduct shall be in writing and shall be treated as petitions for the commencement of a disciplinary hearing. The board shall fairly investigate all complaints to the extent and in the manner warranted by the allegations. A complaint that fails to state a cause of action may be summarily denied in whole or in part. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board wishes to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant, provided that material facts are not in dispute and the complainant is given an opportunity to comment upon the terms of the proposed settlement.

Amend RSA 326-B:13-b as inserted by section 8 of the bill by replacing it with the following:

326-B:13-b Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life or health, the board may summarily order suspension of a license without notice or hearing, pending a hearing on specific misconduct allegations. Such temporary suspensions shall not exceed 90 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 326-B:13-a, II. A licensee shall be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with additional time extended.

Amend the bill by replacing section 11 with the following:

11 Effective Date. This act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill:

- (a) Amends several provisions regarding disciplinary action.
- (b) Provides for the imposition of civil penalties for violations and willful violations of the chapter.
- (c) Provides for the revocation or denial of licenses based on disciplinary sanction in another jurisdiction.
- (d) Sets forth the procedures for hearings and investigations.
- (e) Provides for a temporary 90-day license suspension pending a hearing where a threat to public safety is posed.

(f) Clarifies what constitutes unlawful acts under the chapter.

(g) Repeals several provisions relating to disciplinary actions.

Adopted.

Report adopted.

Ordered to third reading.

**HB 367-FN**, relative to the profession of engineering. INEXPEDIENT TO LEGISLATE.

This bill extends the power and duties of the Board of Engineering. There are some technical problems with this bill that would require more time than is available. The bill would reduce the general fund in 1992 and 1993 and increase restricted revenues. Vote 15-0. Rep. Merton S. Dyer for Executive Departments and Administration.

Rep. Dyer moved that the words Re-refer to Committee be substituted for the report of the Committee. Inexpedient to Legislate and spoke to his motion.

Motion adopted.

Re-referred to Committee.

**HB 408**, relative to the administration of the New Hampshire retirement system. INEXPEDIENT TO LEGISLATE.

Understandably, the restructure of the Retirement System's Board of Trustees may have merit in the future, but the Committee felt that changes to the Board are inappropriate at this time. Vote 14-0. Rep. Maurice E. Goulet for Executive Departments and Administration.

Adopted.

**HB 495-FN**, reorganizing the office of securities regulation. INEXPEDIENT TO LEGISLATE.

This bill apparently does not address an issue that was brought out during testimony regarding the Office of Securities Regulation. It was then decided that this bill be reported as Inexpedient to Legislate based on the merits of the Director's representations as opposed to other issues which may have surfaced not germane to the issue. Vote 12-3. Rep. Maurice E. Goulet for Executive Departments and Administration.

Adopted.

**HB 657-FN**, relative to expediting the hearing procedures of the board of tax and land appeals. INEXPEDIENT TO LEGISLATE.

The Committee feels that the bill does not answer the question of backlog. A supplemental appropriation for additional support staff is what is needed. Vote 8-5. Rep. Arnold P. Shibley for Executive Departments and Administration.

Adopted.

**HB 245**, prohibiting pre-season baiting. OUGHT TO PASS WITH AMENDMENT.

A Subcommittee studying hunting bear with bait, working with Fish and Game officials and biologists, wildlife, hunter and conservation groups, fashioned this amended bill which will severely restrict this method of hunting. It found that, at this time, baiting is an effective management tool in maintaining the health of New Hampshire's black bear population and under this amendment the sporting aspect success of this method of hunting will be effectively increased. Vote 13-3. Rep. Richard W. Lougee for Fish and Game.



**Amendment**

Amend RSA 207:1, II-a and II-b as inserted by section 1 of the bill by replacing it with the following:

II-a. Baiting: The act of placing meat, carrion, honey or any other food or ingestible substance capable of luring or attracting coyote, fur-bearing animals, or game animals with the exception of gray squirrel.

II-b. Baited area: An area where meat, carrion, honey or any other food or ingestible substance is placed, capable of luring or attracting coyote, fur-bearing animals, or game animals with the exception of gray squirrel.

Amend RSA 207:3-d, I as inserted by section 2 of the bill by replacing it with the following:

207:3-d Baiting.

I. No person shall engage in the practice of baiting for coyote, fur-bearing animals, or game animals with the exception of gray squirrel from April 15 to 2 weeks before the opening of the season for the taking of wild black bear.

Amend RSA 207:3-d, III as inserted by section 2 of the bill by replacing it with the following:

III. Notwithstanding the provisions of this section, persons holding a valid trapping license who have complied with the landowner permit requirements of RSA 210:11 and 210:17, II(b) shall be allowed to place bait for the trapping of fur-bearing animals during the open season.

Amend RSA 207:3-d as inserted by section 2 of the bill by inserting after paragraph IV the following new paragraph:

V. Notwithstanding the provisions of this section, no person shall place bait less than 300 feet from a dwelling or public roadway, pathway or trail.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 5, 6 respectively:

4 Remove References. Amend RSA 208:22, IX(a) to read as follows:

(a) Whoever violates the provisions of paragraphs I, II, III, [IV,] and VI shall, if a natural person, be guilty of a violation, and any other person shall be guilty of a misdemeanor, except that any person who exceeds the bag limit as determined pursuant to RSA 208:22, I shall be guilty of a misdemeanor.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill prohibits the baiting for coyote, fur-bearing animals or game animals with the exception of gray squirrels from April 15 to 2 weeks before the opening of the season for taking wild black bear.

This bill also prohibits all baiting less than 300 feet from a dwelling, or public roadway, pathway or trail.

Adopted.

Report adopted.

Ordered to third reading.

**HB 710-FN**, relative to the regulation of tree stands, observation blinds, and pit blinds. **OUGHT TO PASS WITH AMENDMENT.**

The Committee feels that while this bill, unamended, addresses a problem in some areas of the state, it would create a further problem of adding unnecessary governmental paperwork in areas where the problem does not exist. The bill, as amended, would prohibit any use of a tree stand, observation blind or pit blind that damages property without the express permission of the landowner. Vote 10-5. Rep. Richard W. Lougee for Fish and Game.

Rep. Hoar moved that the words Re-commit to Committee be substituted for the report of the Committee. Ought to Pass with Amendment and spoke to his motion.

Rep. Perham spoke in favor.

Recommitted to Committee.

**HB 415**, relative to funeral arrangements. **INEXPEDIENT TO LEGISLATE.**

The Committee voted this bill Inexpedient to Legislate as it would create more problems than it would solve. Even though some members were sympathetic to some of the testimony provided by the public, if passed, the bill would allow people to perform a service unlicensed, where others in the business now are licensed. Vote 13-4. Rep. Lawrence A. Chase for Health, Human Services and Elderly Affairs.

Adopted.

**HB 594-FN**, relative to repealing the law relative to the reorganization of Public Service Company of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.**

**MAJORITY:** This bill would repeal the law relative to the reorganization of Public Service Company of New Hampshire and throw the entire matter back into the bankruptcy courts. The only winner in that event would be the PSNH creditors who would extract an even higher price for the now-operating Seabrook nuclear plant. While HB 594 has been useful in stimulating NU/NH Electric Cooperative negotiations up to this point, the presence of this bill now threatens to increase the cost of financing the PSNH reorganization at the expense of PSNH ratepayers. The Committee therefore voted 9-2 to make this bill Inexpedient to legislate at this time. However, the Committee is still holding HB 777, a bill relative to rate structure of the New Hampshire Electric Cooperative, to be used, if necessary, to promote an equitable settlement of the NU/NH Electric Coop dispute and ensure reasonable electric rates for all electric customers. Rep. Charles C. Vogler for the Majority of Science, Technology and Energy.

**MINORITY:** The minority believes that HB 594 has played an important role in movement toward a resolution of the conflict between NU/PSNH and the New Hampshire Coop and that it remains valuable in that role. At this time, it seems appropriate to send this bill to the Joint Legislative Committee on the PSNH Reorganization Proceedings. Given its extensive experience with the issue at hand, the Joint Committee should have the opportunity to review HB 594. Reps. Amanda A. Merrill and David C. Allison for the Minority of Science, Technology and Energy.

Rep. Amanda Merrill moved that the words Re-refer to the Joint Legislative Committee on the PSNH Reorganization Proceedings, be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. Vogler spoke against and yielded to questions.

Rep. Spear spoke in favor and yielded to questions.

Rep. McRae spoke against and yielded to questions.

Rep. Chambers spoke in favor.

Rep. Rodeschin spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

### YEAS 119

Joscelyn, William W.  
Shibley, Arnold P.

Wiggin, Allen R.

Burnham, Daniel M.  
DePecol, Benjamin J.  
Lynch, Margaret A.

Coulombe, Henry W.  
Mayhew, Josephine

Arnesen, Deborah L.  
Guest, Robert H.  
Nordgren, Sharon L.

Baker, George H., Sr.  
Chasse, Richard D.  
Crotty, Edward J.  
Donovan, Francis X.  
Gage, Ruth E.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Jordan, Mary H.  
Laughlin, J. Francis  
McDowell, James E.  
O'Rourke, Joanne A.  
Smith, Leonard A.

Barberia, Richard A.  
Dunn, Miriam D.  
Johnson, C. William  
Molner, Mary E.  
Yeaton, Charles B.

Bell, Juanita L.  
Conroy, Janet M.  
Flanders, David A.  
Kane, Cecelia D.

Maviglio, Steven R.

Champagne, Richard L.  
Doucette, Richard F.  
Riley, William A.

Hawkinson, Marie C.  
Oliver, Terry D.

Chambers, Mary P.  
LaMott, Paul I.  
Stewart, Roger D.

Baroody, Benjamin C.  
Clemons, Jane A.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
King, Frank P.  
Leclerc, Charles J.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Soucy, Donna M.

Braiterman, Thea  
Jacobson, Alf E.  
Johnson, Joyce M.  
Soldati, Jennifer G.

Caswell, Albert, Jr.  
DiPietro, Carmela M.  
Gribsch, Linda  
MacDonald, Joseph A.

### NAYS 230

Salatiello, Thomas B.

Cole, Kenneth A.  
Kingsbury, H. Thayer  
Spear, Susan S.

Kilbride, Dennis J.

Copenhaver, Marion L.  
McIlwaine, Deborah P.

Buckley, Raymond  
Cote, David E.  
Desrochers, Gerard T.  
Dwyer, Patricia R.  
Gosselin, Gerald O.  
Hall, Betty B.  
Johnson, Lionel W.  
Larochelle, Roger B.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Searles, Stanley N., Sr.  
White, John M.

Daneault, Gabriel J.  
Jelley, Francis D.  
Letourneau, George E.  
Trombly, Rick A.

Clark, Martha Fuller  
Falwell, Robert V.  
Hynes, Carolyn E.  
McGovern, Cynthia A.

Melnick, Roy E.  
Schanda, Joseph, Sr.  
Terninko, Margaret B.

Pantelakos, Laura C.  
Splaine, John E., Sr.  
Vaughn, Charles L.

Rosencrantz, James R.  
Syracusa, Anthony

### STRAFFORD

Corte, Arthur B.  
Hashem, Elaine M.  
Kincaid, William K.  
O'Brien, John  
Spencer, Leo J.  
Wheeler, Katherine W.

Gilmore, Gary R.  
Jankowski, Peter M.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Young, John B.

Hambrick, Patricia A.  
Keans, Sandra B.  
Messier, Donald R.  
Pelley, Janet R.  
Vincent, Francis C.

### SULLIVAN

Allison, David C.  
Stamatakis, Carol M.

Burling, Peter Hoe  
Tetu, Michael A.

Harland, Jane A.  
Walsh, Robert R.

### NAYS 230

### BELKNAP

Accornero, Harry  
Dewhirst, Glenn E.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Ziegra, Alice S.

Bartlett, Gordon E.  
Golden, Paul A.  
Johnson, Carl R.  
Turner, Robert H.

Cain, Thomas G.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

### CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Gordon E.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Jean, Robert R.

Bradley, Jeb E.  
Dickinson, Howard C.  
Saunders, Howard N.

### CHESHIRE

Cole, Stacey W.  
Grodin, Richard A.  
Kennison, Wayne A.  
Morse, Jo Ann T.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hogan, James B.  
LaMar, David M.  
Pearson, Gertrude B.

Feuer, Joseph N.  
Hunt, John B.  
Laurent, John J.  
Perry, David M.

### COOS

Brungot, Catherine V.  
Horton, Lynn C.  
Therault, Romeo J.

Buckley, C. Fitzgerald  
Merrill, Gerald P.

Guay, Lawrence J.  
Nelson, Harold D.

### GRAFTON

Adams, Carl S.  
Christy, C. Dana  
Hill, Richard L.  
Nielsen, Nils F., Jr.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Brown, Channing T.  
Dow, David  
Larson, Nils H., Jr.  
Scanlan, David M.  
Wadsworth, Karen O.  
White, Paul R.

Brown, Patricia B.  
Driscoll, William J.  
Lougee, Richard W.  
Teschner, Douglass P.  
Ward, Kathleen W.

### HILLSBOROUGH

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.

Alukonis, David J.  
Arnold, Barbara E.  
Cowenhoven, Garret P.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Daniels, Gary L.



Desrosiers, William J.  
 Drolet, Paul L.  
 Elliott, Larry G.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Green, Scott E.  
 Holden, Carol H.  
 Keane, Cornelius J.  
 Kurk, Neal M.  
 Lawrence, Eva M.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Packard, Bonnie B.  
 Peters, Stanley W.  
 Riley, Frances L.  
 Rothhaus, Finlay C.  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Vanderlosk, Stanley R.  
 Wihby, Linda S.

Dodge, Emma M.  
 Durham, Susan B.  
 Emerton, Lawrence A.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Greenglass, Alan B.  
 Hultgren, David D.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lawrence, Norman B.  
 Mason, Howard F.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Pepino, Leo P.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Sallada, Roland A.  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 Wheeler, David K.  
 Wright, George W.

Domaingue, Jacquelyn M.  
 Dyer, Merton S.  
 Fenton, James J.  
 Fields, Dennis H.  
 Goulet, Maurice E.  
 Healy, Daniel J.  
 Jasper, Shawn N.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Ouellette, Robert O.  
 Perham, Lester R.  
 Rheault, Lillian I.  
 Rodgers, G. Philip  
 Schneiderat, Catherine A.  
 Tarpley, Nancy L.  
 Upton, Barbara A.  
 Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
 Chandler, Earle W.  
 Fair, Patricia A.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Millard, Elizabeth S.  
 Stapleton, Henry F.

Boucher, Laurent J.  
 Chandler, John P.  
 Fillion, Paul R.  
 Hayes, Robert C.  
 Kidder, William F.  
 Nichols, Avis B.  
 Stio, Peter M.

Carter, Susan D.  
 Christie, Thomas J.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Lewis, Mary Ann  
 Smith, Gerald R.  
 Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
 Brown, Jeffrey M.  
 Coffey, John J.  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Haynes, Richard  
 Hutchinson, Karen K.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Packard, Sherman A.  
 Roulston, Donald L.  
 Senter, Merilyn P.  
 Skinner, Patricia M.

Benton, Richardson D.  
 Bucu, Stephen W.  
 Connell, David R.  
 Dowd, Sandra K.  
 Dube, LeRoy S.  
 Flanders, Harry E.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Palazzo, Frank J.  
 Rubin, George R.  
 Seward, Russell G.  
 Smith, Arthur W.

Boucher, William P.  
 Chulack, Peter G., Sr.  
 Cooke, Annette M.  
 Dowling, Patricia A.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Schmidtchen, Rowland H.  
 Simon, Peter M.  
 Sytek, Donna P.

Sytek, John J.  
Warburton, Calvin  
Woods, Deborah L.

Thayer, Leroy C.  
Welch, David A.

Tufts, Arthur  
Weyler, Kenneth L.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Frechette, Roland A.  
Musler, George T.  
Torr, Ann M.

Bickford, Drucilla  
Flynn, Edward J.  
Kinney, Paula J.  
Nehring, William H.  
Torr, Ralph W.

Brown, Julie M.  
Foss, Patricia H.  
Marston, Robert E.  
Parks, Joe B.  
Tsiros, William

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Rodeschin, Beverly T.  
and the motion failed.  
Report adopted.

Domini, Irene C.  
Lindblade, Eric N.  
Schotanus, Merle W.

Flint, Gordon B.  
Middleton, John A.

Reps. Pignatelli, Marilyn Campbell and Gross abstained from voting under Rule 16.

**HB 268-FN**, relative to drug-free truck stops and rest areas. **INEXPEDIENT TO LEGISLATE.**

The Committee felt that this bill, while laudable in its intent, would have consequences contrary to that intent. Further, the Committee feels that by spot zoning areas to carry enhanced penalties, it merely encourages a change in the location of these illegal activities. Rather than deal with these areas piecemeal, a more comprehensive approach might be appropriate. In addition, this bill provides for higher penalties than those currently in effect for schools. Vote 12-2. Rep. David E. Cote for Judiciary.

Rep. Pantelakos moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Rep. Nielsen spoke in favor.

Rep. Lown spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 52**

**NAYS 276**

### YEAS 52 BELKNAP

Golden, Paul A.

Maviglio, Steven R.

### CARROLL

Jean, Robert R.

### CHESHIRE

Burnham, Daniel M.

### COOS

Oliver, Terry D.

Theriault, Romeo J.

### GRAFTON

Chambers, Mary P.  
Nielsen, Niels F., Jr.

Copenhaver, Marion L.

Dow, David

**HILLSBOROUGH**

Desrochers, Gerard T.  
Gagnon, Gabrielle V.  
L'Heureux, Robert J.  
O'Rourke, Joanne A.

Drabinowicz, A. Theresa  
Green, Scott E.  
Lefebvre, Roland J.  
Smith, Leonard A.

Gage, Ruth E.  
Healy, Walter F.  
Mason, Howard F.

**MERRIMACK**

Apple, Lowell D.  
Fillion, Paul R.  
Soldati, Jennifer G.

Barberia, Richard A.  
Johnson, C. William

Braiterman, Thea  
Johnson, Joyce M.

**ROCKINGHAM**

Caswell, Albert, Jr.  
Ford, Bert H.  
Kane, Cecelia D.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Warburton, Calvin

Clark, Martha Fuller  
Hynes, Carolyn E.  
Katsakiores, George N.  
McKinney, Betsy  
Rosencrantz, James R.

Flanders, John W., Sr.  
Johnson, Robert A.  
MacDonald, Joseph A.  
Melnick, Roy E.  
Schanda, Joseph, Sr.

**STRAFFORD**

Kincaid, William K.  
Spencer, Leo J.

Kinney, Paula J.  
Sullivan, Henry P.

Pelley, Janet R.  
Tsiros, William

**SULLIVAN**

Behrens, Thomas A.

Walsh, Robert R.

**NAYS 276****BELKNAP**

Accornero, Harry  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Rosen, Ralph J.  
Vogler, Charles C.

Bartlett, Gordon E.  
Hawkins, Robert S.  
Joscelyn, William W.  
Salatiello, Thomas B.  
Ziegra, Alice S.

Cain, Thomas G.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Gordon E.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Allen R.

**CHESHIRE**

Champagne, Richard L.  
Crutchley, Donald O.  
Feuer, Joseph N.  
Kennison, Wayne A.  
Laurent, John J.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Cole, Kenneth A.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Perry, David M.  
Spear, Susan S.

Cole, Stacey W.  
Doucette, Richard F.  
Hogan, James B.  
LaMar, David M.  
Morse, Jo Ann T.  
Riley, William A.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Nelson, Harold D.

Coulombe, Henry W.  
Kilbride, Dennis J.

Hawkinson, Marie C.  
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Christy, C. Dana  
Hill, Richard L.  
Stewart, Roger D.  
Wadsworth, Karen O.  
White, Paul R.

Arnesen, Deborah L.  
Driscoll, William J.  
Lougee, Richard W.  
Teschner, Douglass P.  
Ward, Kathleen W.

Brown, Patricia B.  
Guest, Robert H.  
Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Cote, David E.  
Daigle, Robert A.  
Dodge, Emma M.  
Drolet, Paul L.  
Elliott, Larry G.  
Ferguson, Charles  
Ford, Nancy M.  
Goulet, Maurice E.  
Haettenschwiler, Alphonse  
Healy, Daniel J.  
Jasper, Shawn N.  
Kelley, Dana F.  
Kurk, Neal M.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
McDowell, James E.  
Mercer, Robert S.  
Murphy, Robert E.  
Packard, Bonnie B.  
Perham, Lester R.  
Record, Alice B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Soucy, Donna M.  
Tarpley, Nancy L.  
Upton, Barbara A.  
Wheeler, Robert L.  
Wright, George W.

Alukonis, David J.  
Arnold, Barbara E.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Hall, Betty B.  
Holden, Carol H.  
Jordan, Mary H.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lawrence, Eva M.  
Martin, Mary Ellen  
McNerney, Daniel P.  
Messier, Irene M.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Peters, Stanley W.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Schneiderat, Catherine A.  
Steiner, Lee Anne  
Tate, Joan C.  
Vanderlosk, Stanley R.  
White, John M.

Amidon, Eleanor H.  
Baker, George H., Sr.  
Buckley, Raymond  
Clemons, Jane A.  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Fenton, James J.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Hultgren, David D.  
Keane, Cornelius J.  
King, Frank P.  
Laroche, Roger B.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.  
Ouellette, Robert O.  
Pepino, Leo P.  
Pignatelli, Debora B.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Turgeon, Roland M.  
Wheeler, David K.  
Wihby, Linda S.

**MERRIMACK**

Carter, Susan D.  
Christie, Thomas J.  
Fair, Patricia A.  
Hall, Douglas E.  
Holmes, Mary C.

Chandler, Earle W.  
Dancault, Gabriel J.  
Gilbreth, Robert M.  
Hayes, Robert C.  
Jacobson, Alf E.

Chandler, John P.  
Dunn, Miriam D.  
Gross, Caroline L.  
Hill, Michael J.  
Kidder, William F.



Letourneau, George E.  
Molner, Mary E.  
Stapleton, Henry F.

Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

Millard, Elizabeth S.  
Smith, Gerald R.  
Yeaton, Charles B.

### ROCKINGHAM

Barnes, John S., Jr.  
Brown, Jeffrey M.  
Christie, Andrew, Jr.  
Connell, David R.  
Cote, Patricia L.  
Dowling, Patricia A.  
Falwell, Robert V.  
Flanders, Harry E.  
Haynes, Richard  
Hutchinson, Karen K.  
Klemm, Arthur P., Jr.  
McCain, William F.  
Palazzo, Frank J.  
Rubin, George R.  
Seward, Russell G.  
Smith, Arthur W.  
Sytek, John J.  
Tufts, Arthur  
Weyler, Kenneth L.

Benton, Richardson D.  
Buco, Stephen W.  
Chulack, Peter G., Sr.  
Conroy, Janet M.  
DiPietro, Carmela M.  
Drake, Herbert R.  
Felch, Charles H., Sr.  
Greene, Elizabeth A.  
Hoar, John, Jr.  
Keith, Brenda E.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Raynowska, Bernard J.  
Schmidtchen, Rowland H.  
Simon, Peter M.  
Syracusa, Anthony  
Terninko, Margaret B.  
Vaughn, Charles L.  
Woods, Deborah L.

Boucher, William P.  
Campbell, Marilyn R.  
Coffey, John J.  
Cooke, Annette M.  
Dowd, Sandra K.  
Dube, LeRoy S.  
Flanagan, Natalie S.  
Griebisch, Linda  
Hoelzel, Kathleen M.  
Klemarczyk, Thaddeus E.  
Malcolm, Kenneth W.  
Packard, Sherman A.  
Roulston, Donald L.  
Senter, Merilyn P.  
Skinner, Patricia M.  
Sytek, Donna P.  
Thayer, Leroy C.  
Welch, David A.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Foss, Patricia H.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Messier, Donald R.  
Parks, Joe B.  
Vincent, Francis C.

Bickford, Drucilla  
Douglass, Clyde J.  
Frechette, Roland A.  
Hashem, Elaine M.  
Marston, Robert E.  
Nehring, William H.  
Torr, Ann M.  
Wheeler, Katherine W.

Brown, Julie M.  
Flynn, Edward J.  
Gilmore, Gary R.  
Jankowski, Peter M.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Torr, Ralph W.  
Young, John B.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Lindblade, Eric N.  
Stamatakis, Carol M.  
and the motion lost.  
Report adopted.

Burling, Peter Hoe  
Harland, Jane A.  
Middleton, John A.  
Tetu, Michael A.

Domini, Irene C.  
Krueger, Richard H.  
Rodeschin, Beverly T.

**HB 590-FN**, relative to employee leaves of absence for family and catastrophic medical purposes. RE-REFER TO COMMITTEE.

The Committee would like more time with this bill. It did not have sufficient time to thoroughly research several issues raised by HB 590. Vote 8-7. Rep. David O. Dow for Labor, Industrial and Rehabilitative Services.

Re-referred to Committee.

**HB 678-FN**, relative to job security. **INEXPEDIENT TO LEGISLATE**.

The Committee feels that public and private employers in the state should voluntarily follow the termination procedures already in place in counties and municipalities. This is not the time for another mandate on businesses in New Hampshire. Vote 9-6. Rep. David O. Dow for Labor, Industrial and Rehabilitative Services.

Adopted.

**HB 192-FN**, to exempt the real and personal property of societies of Freemasons from taxation. **INEXPEDIENT TO LEGISLATE**.

The Committee is very mindful of inconsistencies both in statutes pertaining to exemptions for charitable organizations and, importantly, in the interpretation of statutes and the meaning of "charitable" as applied to Societies of Free and Accepted Masons by various communities. Although sympathetic to the intent of HB 192, the Committee believes it should not usurp the judgment of the municipalities in the manner contemplated by HB 192. Further, HB 305 defines more precisely the meaning of the term "charitable purposes" for tax exemption qualification. Vote 11-6. Rep. Richard T. Trelfa for Municipal and County Government.

Adopted.

**HB 676-FN**, relative to notice of discontinuance of class IV, V or VI highways. **INEXPEDIENT TO LEGISLATE**.

The slim majority felt that current statutes cover the situation when a town wishes to discontinue a class IV, V, or VI road and still give adequate protection to abutters. The minority believes that with this legislation the process could be shortened up to only six months from the town meeting. Vote 8-7. Rep. Sandra B. Keans for Public Works.

Rep. Gene Chandler moved that the words Re-commit to Committee, be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Adopted.

**HB 642-FN**, relative to the regulation of cable television. **RE-REFER TO COMMITTEE**.

The Committee feels that due to impending federal rules, regulation and possibly federal legislation that this bill be re-referred to Committee. There are too many facets dealing with the cable TV industry to deal with in a short period of time. Thus, by studying this whole issue, the Committee can react to whatever does or does not come down from the Federal Communications Commission. Vote 11-1. Rep. Thomas E.P. Rice for Science, Technology and Energy.

Re-referred to Committee.

**HCR 10**, requesting Congress to propose an amendment to the United States Constitution prohibiting unfunded federal mandates. **OUGHT TO PASS**.

This Concurrent Resolution asks the Federal Government to do what the State of New Hampshire is now doing. Do not pass laws or mandates that involve dollars if you are not going to provide the dollars that programs or mandates will cost. Do not pass the buck without the bucks. Vote 9-3. Rep. Lowell D. Apple for State-Federal Relations.

Adopted.

Ordered to third reading.

**HB 272-FN**, relative to a physician's reporting of medical conditions to the director of motor vehicles. **INEXPEDIENT TO LEGISLATE**.

The Committee voted Inexpedient to Legislate after considering the testimony. The Committee felt the passage of this bill could seriously jeopardize and erode the patient-doctor relationship of trust. Further, while the bill addressed physician immunity from liability for reporting conditions to the Department of Motor Vehicles; conversely, there were unanswered liability questions relative to a physician who chose not to report a condition to the Department of Motor Vehicles. Vote 15-3. Rep. Brenda E. Keith for Transportation.

Adopted.

**HB 286-FN**, relative to the operation of powerboats on Long Pond in the town of Northwood. **OUGHT TO PASS**.

The testimony given on this bill could be used as an example where the tyranny of the majority strives to take away the rights of the minority.

The Committee would support the sponsor of the bill and allow the few powerboats that use Long Pond in the town of Northwood to continue to do so for another four years. Vote 13-6. Rep. Roger D. Stewart for Transportation.

Adopted.

Ordered to third reading.

**HB 620-FN**, relative to the transportation of alcohol in open containers. **OUGHT TO PASS WITH AMENDMENT**.

This bill bans the transportation or possession of any open container of alcoholic beverages in any vehicle in any way or in any public parking area in this state, and defines some exceptions. Up until this time, open container laws were local ordinances, this bill will make it statewide. Vote 19-0. Rep. Richard L. Haynes for Transportation.

#### **Amendment**

Amend RSA 265:81, IV and V as inserted by section 1 of the bill by replacing them with the following:

IV. A person who violates this section shall be guilty of a violation. In addition, a person who violates paragraph II of this section may have his drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.

V. This section shall not apply to persons transporting, carrying, possessing or having any liquor or beverage in a chartered bus; in a taxi; or in a limousine for hire; provided, however, that the driver of any of said vehicles is prohibited from having any liquor or beverage in or about the driver's area.

Amend RSA 265:81-a, I as inserted by section 2 of the bill by replacing it with the following:

I. Notwithstanding RSA 265:81, II, no driver under the age of 21 shall, except when accompanied by a parent, legal guardian or legal age spouse, transport any liquor or beverage in any part of a vehicle. A driver violating this section may have his license or right to drive suspended for 60 days. The words "liquor" and "beverage" as used in this section shall have the same meanings as defined in RSA 175:1. "Legal age spouse" means a person 21 years of age or older.

## AMENDED ANALYSIS

This bill bans the transportation or possession by any driver or passenger of any opened container of alcoholic beverages in any vehicle upon any way or in any public parking area in this state, with the following exceptions:

(a) possession of opened containers of alcoholic beverages by chartered bus passengers.

(b) possession by passengers in limousines for hire.

Violation of the proscription is punishable as a violation with a discretionary license suspension for convicted drivers. The bill changes the penalty for minors found transporting alcoholic beverages.

Adopted.

Report adopted.

Ordered to third reading.

COMMITTEE REPORTS  
CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 242**, relative to the powers of county conventions, was removed at the request of Rep. Spear.

Consent Calendar adopted.

**HB 123-FN**, prohibiting merchants from requiring credit cards as identification from customers paying by check. INEXPEDIENT TO LEGISLATE.

The Committee has HB 355 and HB 752 that deal with the same subject matter on credit cards and identification from customers paying by checks. Vote 11-0. Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs.

**HB 358-FN**, mandatory insurance for motor vehicles, motor-powered boats, and aircraft. INEXPEDIENT TO LEGISLATE.

The Committee has three bills on this subject, and this one had the least amount of support. Vote 11-0. Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs.

**HB 718-FN**, relative to improving access to health insurance coverage for employees of small and moderate sized businesses. RE-REFER TO COMMITTEE.

This bill is being re-referred to the Committee because it wishes to study its content. This is one of three bills dealing with aspects of reform to the small employer health insurance market, and the Committee wants to examine this issue as part of the broader issue and plans to bring in a comprehensive bill in 1992. Vote 14-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

**HB 289-FN**, relative to regulating commercial salt water fishing. OUGHT TO PASS WITH AMENDMENT.

This bill addresses the problems raised by the State Sea and Shore Advisory Committee and federal fisheries regulations. Vote 14-0. Rep. Herbert R. Drake for Fish and Game.

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Commercial Fisherman; Reference Deleted. Amend RSA 207:1, IV-a to read as follows:



IV-a. Commercial Fisherman: Any person who takes, possesses, lands, or transports, on the waters of this state, any marine species by any method for the purposes of sale[, other than by conventional angling].

2 Marine Species; Reference Deleted. Amend RSA 207:1, XV to read as follows:

XV. Marine Species: Includes all fish which usually inhabit salt water, and all shell fish, lobsters, crabs, shrimps, clams, marine worms, *other marine invertebrates* and [economic] marine [vegetables] *plants* found in the coastal waters and estuarine waters under the jurisdiction of this state as defined in RSA 1:14 and 1:15.

3 Sale of Marine Species; Exemption Removed. Amend RSA 211:49-b, I to read as follows:

I. Any resident of this state who takes, possesses, lands, or transports on the waters of this state any marine species, excluding lobsters, by any method [other than by conventional angling] for the purpose of sale, regardless of where the catch was taken, shall first procure a valid license from the executive director to do so.

4 Sale of Oysters; Reference Modified. Amend RSA 211:53 to read as follows:

211:53 Sale Prohibited. No person shall at any time sell or take for sale oysters from [Great Bay or its tributaries, Little Bay or Durham River, or from the Piscataqua River] *the waters under the jurisdiction of the state*.

5 Advisory Committee on Shore Fisheries; Study Deleted. Amend RSA 211:60 to read as follows:

211:60 Advisory Committee on Shore Fisheries. The governor, with the advice and consent of the council shall appoint an advisory committee of 3 persons to recommend programs and policies regarding shore fisheries to the fish and game commission. The members of said committee shall be residents of the seacoast region. The term of office of each member shall be for 3 years and until his successor is appointed and qualified provided, however, that for the first appointments hereunder one shall be appointed for a term of one year, one for a term of 2 years and one for a term of 3 years and until their successors are appointed and qualified. Said members shall serve without compensation. [They shall study and recommend the advisability and method for financing a division of coastal fisheries within the fish and game department, together with a study of the desirability of establishment of a state coastal fisheries research station at Hampton Harbor.] They shall [make such other studies and] *review and make* recommendations as seems advisable relative to [shore fisheries] *marine species*. The committee shall have authority to hold hearings in the coastal towns on [fishery problems] *marine species*.

6 Clams, Lobsters; Reference Added. Amend RSA 211:61 to read as follows:

211:61 Clams, Lobsters. The advisory committee on shore fisheries as appointed under RSA 211:60 may recommend to the fish and game commission such rules and regulations as may be necessary for the propagation, preservation and taking of clams, clam worms, lobsters, crabs, [and] oysters *and other marine species*. All laws and regulations relative to the taking, sale, possession, and transportation of lobsters, crabs, clams, clam worms, [and] oysters *and other marine species* shall remain in full force and effect until such time as they are changed under the authority contained in this section.

7 Authority to Regulate; Reference Deleted. Amend RSA 211:62, I to read as follows:

I. Rules relating to the taking, inspection and processing of marine species may be made by the executive director of the fish and game department with the approval of the fish and game commission, and upon the advice and cooperation of the advi-

sory committee on shore fisheries. [For the purposes of this section, "marine species" includes all fish which usually inhabit salt water, and all shell fish, lobsters, crabs, shrimps, clams, marine worms and economic marine vegetables found in the coastal waters and estuarine waters under the jurisdiction of this state as defined in RSA 1:14-19.]

8 Sale of Marine Species; Reference Deleted. Amend RSA 211:62, II(e) to read as follows:

(e) The sale, inspection and processing of marine species [by wholesale and retail dealers].

9 New Paragraph; Exemption From Rulemaking Requirements. Amend RSA 211:62 by inserting after paragraph IV the following new paragraph:

V. Rules pertaining to marine species managed under the Atlantic States Marine Fisheries Compact under RSA 213 shall be exempt from the rulemaking requirements of RSA 541-A. The executive director may adopt such rules after notice and hearing as determined by the executive director to be practicable. Rules adopted under this paragraph shall be filed with the director of legislative services and with the joint legislative committee on administrative rules.

10 Terms Defined; References Modified. Amend RSA 211:66 to read as follows:

211:66 Terms Defined. The term "marine fisheries" as used in this subdivision shall be construed as referring to the [taking of salt water fish, lobsters, crabs, oysters, clams and clam worms] *management of marine species*.

11 Reference Change. Amend RSA 211:70 to read as follows:

211:70 Marine Fisheries Revenue. All moneys collected from licenses and fines for taking of [clams, marine species oysters, lobsters or crabs] *marine species*, as well as any funds received by the division of marine fisheries under RSA 211:67, shall be credited to the fish and game fund as established under RSA 206:33. All expenditures authorized by the legislature for the marine fisheries division shall be a charge against the fish and game fund. Revenues received from the above-mentioned licenses or fines and funds expended by the marine fisheries division shall be accounted for in such a manner as to show the actual relationship between marine revenues and expenditures. These records shall be an identifiable part of an annual financial statement of the fish and game department and available for public inspection.

12 Repeal. RSA 211:61-a, relative to removal of mussels, is repealed.

13 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill exempts the fish and game department from the rulemaking requirements of RSA 541-A for rules pertaining to marine species managed under the Atlantic States Marine Fisheries Compact.

This bill modifies the definitions of the terms "commercial fisherman" and "marine species."

This bill deletes the duty of the advisory committee on shore fisheries duty to conduct a study on the desirability of a state coastal fisheries research station.

This bill modifies certain definitions to the generic term, "marine species."

This bill prohibits the sale or taking for sale of oysters in waters under the jurisdiction of the state.

This bill deletes the exemption for conventional angling from the prohibition for taking of any marine species, except lobster, for the purpose of selling such species.

This bill also deletes the requirement that the fish and game department remove mussels from certain parts of Hampton River harbor.

This bill is a request of the fish and game department.

**HB 559-FN**, relative to commercial and recreational fisheries. OUGHT TO PASS WITH AMENDMENT.

The Committee feels that this is a good bill and fits in with other laws in Section 672 of New Hampshire Law. Vote 16-0. Rep. Allen R. Wiggin for Fish and Game.

#### Amendment

Amend RSA 672:1, III-f as inserted by section 2 of the bill by replacing it with the following:

III-f. New Hampshire commercial and recreational fisheries make vital and significant contributions to the food supply, the economy, the environment, and the aesthetic features of the state of New Hampshire, and the tradition of using marine resources for fisheries production is an essential factor in providing for economic stability and a favorable quality of life in the state. Many traditional commercial and recreational fisheries in New Hampshire's rivers and estuarine systems are located in close proximity to coastal development. Such fisheries are a beneficial and worthwhile feature of the New Hampshire landscape and tradition and should not be discouraged or eliminated by use of municipal planning and zoning powers or the unreasonable interpretation of such powers.

#### AMENDED ANALYSIS

This bill declares that New Hampshire's commercial and recreational fisheries should not be discouraged or eliminated by use of municipal planning and zoning powers.

**HB 617-FN**, relative to fishing permits for certain head-injured persons. OUGHT TO PASS WITH AMENDMENT.

The Committee felt this was an excellent bill. It would help those unfortunate head-injured patients who would benefit therapeutically by free fishing. Vote 14-0. Rep. Herbert R. Drake for Fish and Game.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Special Fishing Permit. Amend RSA 214 by inserting after section 14-f the following new section:

214:14-g Patients at Certain Head Injury Treatment Programs. Head injury patients at the Crotched Mountain Rehabilitation Center, in Greenfield; Head Injury Treatment Program in Dover; the New Hampshire branch of Easter Seals Society of New Hampshire and Vermont in Manchester; Franklin Falls Farm, in Franklin; Highwatch in Effingham; New England Rehabilitation Center of Southern New Hampshire in Nashua; Northeast Rehabilitation Hospital in Salem; and Robin Hill Farm, in Hillsborough, may fish without a license on a special fishing permit issued by the recreational or physical therapist in charge when such form of recreation may be of therapeutic benefit to such patients, provided that no such special fishing permit shall be valid for a period longer than the length of treatment of the patient to whom the special fishing permit is issued. Patients fishing under the provisions of this section shall be under the direct supervision of the recreation supervisor, or his designate, and shall have in their possession a valid special fishing permit. The fish and game

executive director shall furnish permit forms to the aforementioned head injury treatment programs at their request, to be filled out when issued. The number of permits issued shall be reported to the executive director once each year as he shall direct.

2 Effective Date. This act shall take effect upon its passage.

**HB 508-FN**, relative to domestic violence shelters. INEXPEDIENT TO LEGISLATE.

The sponsor of this bill moved Inexpedient to Legislate due to the state's financial problems and the necessity to hire a new employee to administer the statute. Vote 17-0. Rep. Lawrence A. Chase, Jr. for Health, Human Services and Elderly Affairs.

**HB 165-FN**, relative to right to trial by jury in small claims cases. INEXPEDIENT TO LEGISLATE.

The matter raised in this bill is more thoroughly covered in HB 715, and the Committee wishes to deal with it in that section contained in 715. Vote 16-0. Rep. Peter Hoe Burling for Judiciary.

**HB 201**, relative to the authority of the pharmacy board to seize evidence. REFER TO COMMITTEE.

After several discussions, the Committee determined that there are several questions concerning the relationship of the Pharmacy Board to other agencies which need to be cleared up. The Committee desires to work further on this. Vote 11-0. Rep. Peter Hoe Burling for Judiciary.

**HB 256**, limiting liability of any person, firm or corporation which donates equipment or services to any postsecondary technical training program. OUGHT TO PASS WITH AMENDMENT.

This bill is designed to protect persons or companies which donate the use of personnel, equipment or premises for use in postsecondary technical training programs. The bill retains appropriate safeguards for the interests of the public, and strikes a balance which will permit continued donations in our litigious society. Vote 11-1. Rep. Peter Hoe Burling for Judiciary.

#### Amendment

Amend the introductory paragraph of RSA 188-F:21-a as inserted by section 1 of the bill by replacing it with the following:

188-F:21-a Liability Limited. Any person who, or any firm or corporation which donates the use of its premises, personnel or equipment to the department or any of its colleges or institutes to assist them in their training courses shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury *arising out of the use by the department of the equipment, facilities, or services* to any person if:

**HB 274-FN**, relative to sentencing to county correctional facilities. OUGHT TO PASS WITH AMENDMENT.

This bill is designed to make certain that a criminal is confined to the county correctional institution in the county where the crime occurred. The amendment changes the effective date to 7/1/91. Vote 11-0. Rep. Alf E. Jacobson for Judiciary.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 1991.



**HB 278-FN**, relative to liability and indemnification of regional planning commissions. **OUGHT TO PASS WITH AMENDMENT.**

This bill defines regional planning commissioners and includes them in the liability and indemnification sections of RSA 31:104. Vote 14-0. Rep. Elizabeth D. Lown for Judiciary.

### Amendment

Amend the bill by replacing all after section 3 with the following:

4 Liability of Regional Planning Commissions. Amend RSA 36:46, III to read as follows:

III. Each municipality which shall become a member of a regional planning commission shall be entitled to 2 representatives on said commission. A municipality with a population of over 10,000 but less than 25,000 shall be entitled to have 3 representatives on said commission and a municipality with a population of over 25,000 shall be entitled to have 4 representatives on said commission. Population as set forth in this section shall be deemed to be determined by the last federal census. Representatives to a regional planning commission shall be nominated by the planning board of each municipality from the residents thereof and shall be appointed by the municipal officers of each municipality. Representatives may be elected or appointed officials of the municipality or county. In any county or counties in which a regional planning commission has been formed, the county may, by resolution of its county commissioners, become a member of said regional planning commission and shall be entitled to appoint 2 representatives on said commission. The terms of office of members of a regional planning commission shall be for 4 years, but initial appointments shall be for 2 and 4 years. In municipalities entitled to 3 or more representatives, initial appointment shall be for 2, 3 and 4 years. Vacancies shall be filled for the remainder of the unexpired term in the same manner as original appointments. Municipalities and counties may also appoint alternate representatives. *A representative to a regional planning commission shall, when acting within the scope of his official duties and authority, be deemed to be acting as an agent of both the regional planning commission and of the municipality or county which he represents.*

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill specifically names regional planning commissioners as one of the types of officials to have limited liability and certain indemnification privileges when acting within the scope of their authority.

The bill also clarifies the commissioners' authority to act as agent for both the regional planning commission and for the municipality or county which he represents.

**HB 279**, relative to a uniform law on notarial acts. **INEXPEDIENT TO LEGISLATE.**

Testimony showed that this bill was unnecessary. The Committee felt that if there were a problem it should be addressed by using the model legislation on the federal level. This bill also took out the fee involved, but only for attorneys. Vote 12-0. Rep. Donnalee M. Lozeau for Judiciary.

**HB 316-FN**, relative to publication of notice requirements in situations in which property escheats to the state. RE-REFER TO COMMITTEE.

This bill needs further study in order to assure the Committee that reducing the notices to one instead of two will be in the public interest. Vote 11-0. Rep. Alf E. Jacobson for Judiciary.

**HB 332**, relative to filing small claims actions in landlord and tenant cases. INEXPEDIENT TO LEGISLATE.

The sponsor agreed that HB 332 did not address the landlord-tenant problems equitably. Another attempt will be made to handle the issue. Vote 10-1. Rep. Elizabeth D. Lown for Judiciary.

**HB 356-FN**, relative to uniform penalties pertaining to farm products. OUGHT TO PASS.

This bill would give uniformity to the fine structure relating to non-conforming sale of agricultural products. It was requested by the Department of Agriculture. Vote 11-0. Rep. Elizabeth D. Lown for Judiciary.

**HB 371-FN**, relative to the collection of bail commissioners' fees. INEXPEDIENT TO LEGISLATE.

The Committee view was that this will increase judges' time and that it will impose, in the fine structure, a non-public obligation. Vote 10-1. Rep. Alf E. Jacobson for Judiciary.

**HB 383**, relative to the authority of land surveyors to enter upon lands. INEXPEDIENT TO LEGISLATE.

The Committee feels that land surveyors should continue to notify property owners of their need to access private lands. It also feels existing laws are adequate. Vote 15-0. Rep. Benjamin J. DePecol for Judiciary.

**HB 394**, relative to partition of real property. INEXPEDIENT TO LEGISLATE.

This bill was brought to settle an individual problem that one person is having with the partition of real estate. The Committee did not want to set this "fix" in legislation. "Tinkering" with an established, functioning system for partitioning real estate, is a bad idea. The problem is with the courts generally; they have too few assets to do all we ask them to do. Let's not "tinker" with things that aren't broken. Vote 12-1. Rep. Alice B. Record for Judiciary.

**HB 407**, relative to failure to report injuries resulting from criminal acts. OUGHT TO PASS WITH AMENDMENT.

The support for this bill was widespread. It is another step in protecting a victim in sexual assault crimes. It allows third party reporting. Many victims are fearful of being treated because of the current law which requires doctors to report the injury. The Committee felt this was a reasonable request. Vote 11-0. Rep. Donnalee M. Lozeau for Judiciary.

#### Amendment

Amend RSA 631-6, II as inserted by section 1 of the bill by replacing it with the following:

*II. A person who has rendered treatment or assistance is excepted from the reporting provisions of paragraph I if the person seeking or receiving treatment or other assistance: (a) is 18 years of age or older, (b) has been a victim of a sexual*

*assault offense, and (c) objects to the release of any information to law enforcement officials. This exception shall not apply if the sexual assault victim is also being treated for a gunshot wound or other life threatening injury.*

*III. When a person as described in paragraph II objects to the release of any information to law enforcement officials, a law enforcement report form shall be given to the victim for completion. This form shall be developed by the department of justice, and shall contain all information pertinent to the sexual assault except for any information which identifies the victim. This form shall be sent to the police department which has jurisdiction over the location at which the crime occurred.*

#### AMENDED ANALYSIS

Under current law, a person is guilty of a misdemeanor if, having knowingly treated or assisted another for any injury he believes was caused by a criminal act, he fails to notify a law enforcement official with all the information he possesses concerning the injury. This bill exempts a person from this reporting requirement when the person receiving treatment or assistance is at least 18 years old, was a victim is a sexual assault offense, and objects to the release of such information.

This exemption does not apply if the sexual assault victim is also being treated for a gunshot wound or other life threatening injury. In the case where the victim objects to the release of information, a form, developed by the department of justice, shall be filled out and sent to the police department in whose jurisdiction the crime occurred. This form shall contain no information which identifies the victim.

**HB 421-FN**, establishing a committee to study reforming and coordinating state homicide laws. **INEXPEDIENT TO LEGISLATE.**

This bill would establish a special committee to study and re-write the RSA chapter dealing with homicide. After reviewing the alleged problems with present laws that were cited in testimony, the Committee concluded that there is no need for such a study. Vote 10-1. Rep. Richard H. Campbell for Judiciary.

**HB 450**, relative to claims to dower and curtesy. **OUGHT TO PASS.**

This is a valuable piece of corrective legislation which will clear away remaining dower and curtesy rights, and thereby clear titles that may still be encumbered by such vestigial rights. Vote 12-0. Rep. Peter Hoe Burling for Judiciary.

**HB 452-FN**, relative to solicitation of prostitutes. **OUGHT TO PASS.**

In order to prevent "border-jumping" of "johns," the Committee feels that both the prostitute and the "john" should be liable. The penalty would be a misdemeanor. Vote 11-1. Rep. Elizabeth D. Lown for Judiciary.

**HB 481-FN**, allowing nursing home administrators to file for disposition of a deceased individual's estate. **OUGHT TO PASS WITH AMENDMENT.**

The amendment is the meat of this bill whereby county nursing home administrators may bypass notice to county attorney in estates of \$2,000 or less. However, private nursing home administrators will still be required to report to county attorney. Vote 11-0. Rep. Alf E. Jacobson for Judiciary.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 County Attorney Deleted. Amend RSA 151-A:15, I to read as follows:

*I.(a) Except as provided in subparagraph (b), if 30 days after the date of a patient's death no petition for probate has yet been filed under any section of RSA 553 and the gross value of the personal property remaining at the nursing home belonging*

to the deceased, including any amount left in a patient account, is no more than \$2,000, the nursing home administrator shall [give notice to the county attorney of the county in which the deceased was domiciled, who shall] file in the county probate court an affidavit, pursuant to RSA 553:31 or RSA 553:31-a, along with all other required filings, for the purpose of becoming a voluntary administrator and disposing of such person's estate in accordance with those sections.

*(b) If 30 days after the date of a patient's death no petition for probate has yet been filed under any section of RSA 553 and the gross value of the personal property remaining at the county nursing home belonging to the deceased, including any amount left in a patient account, is no more than \$2,000, the county nursing home administrator shall [give notice to the county attorney of the county in which the deceased was domiciled, who shall] file in the county probate court an affidavit, pursuant to RSA 553:31 or RSA 553:31-a, along with all other required filings, for the purpose of becoming a voluntary administrator and disposing of such person's estate in accordance with those sections.*

**HB 486-FN**, relative to collection of forfeitures of recognizances by the division of motor vehicles. OUGHT TO PASS.

This bill provides a clearer procedure for those who fail to appear after a recognizance. The intent is to force the person to appear at a proper time rather than engage in default. A fine as well as demand for payment will be required. Vote 11-0. Rep. Alf E. Jacobson for Judiciary.

**HB 598-FN**, requiring testing of certain sex offenders for human immunodeficiency virus and other sexually transmitted diseases. INEXPEDIENT TO LEGISLATE.

The point behind this legislation is admirable. On first thought it seems to be reasonable. However, carrying out the intent is not realistic. The Division of Public Health opposes the bill; some of the reasons presented were: some infected people never show a positive test. Tests of persons such as these would result in inaccurate information to the victim. Perhaps the federal level will give us some direction in this matter as it is in favor of all 50 states imposing this. Vote 12-0. Rep. Donnalee M. Lozeau for Judiciary.

**HB 656-FN**, relative to reckless conduct. OUGHT TO PASS WITH AMENDMENT.

This bill makes it a class B felony to purposely discharge a firearm at an occupied building. The amendment places the offense in the criminal mischief category, instead of reckless conduct as in the original bill, and adds reference to a definition of "occupied building." Vote 11-0. Rep. Richard H. Campbell for Judiciary.

#### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to criminal mischief.

Amend the bill by replacing all after the enacting clause with the following:

I Discharge of Firearm at Occupied Building; Criminal Mischief. Amend RSA 634:2, II(b) to read as follows:

(b) A substantial interruption or impairment of public communication, transportation, supply of water, gas or power or other public service; *or*



*(c) Discharge of a firearm at an occupied structure, as defined in RSA 635:1,***III.**

2 Effective Date. This act shall take effect January 1, 1992.

**HB 707-FN**, relative to contracts for services other than counsel. OUGHT TO PASS.

House Bill 707 would save moneys for the indigent defense program by giving the state a flat contract rate whereby the vendor could get predictable payments. Vote 16-0. Rep. Elizabeth D. Lown for Judiciary.

**HB 715-FN**, relative to the right to jury trial in civil cases. OUGHT TO PASS.

This bill updates all the relevant statutes so that it conforms to the Constitution. This will relieve the Superior Court of actions involving lawsuits when the controversy is between \$500 and \$1,500. Vote 11-0. Rep. Alf E. Jacobson for Judiciary.

**HB 727-FN**, relative to DWI testing, penalties for drug possession in a motor vehicle, motor vehicle equipment and technical corrections in certain motor vehicle laws. OUGHT TO PASS WITH AMENDMENT.

The amendment increases the penalty for possession of drugs while operating a motor vehicle to a minimum six-month suspension; current law is 60 days. It authorizes the Department of Safety to charge a \$7 fee for motor vehicle records provided to insurance companies, \$2 of which will go to the general fund, earmarked toward the fire academy. It changes current law with regard to commercial vehicle licenses, and it deletes the requirement of a sales receipt for a temporary plate. The amendment also removes the remainder, some of the bill, which may be addressed in pending bills. Vote 16-0. Rep. Donnalee M. Lozeau for Judiciary.

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to DWI testing, motor vehicle records  
fees, and commercial driver licenses.

Amend RSA 260:15, II as inserted by section 1 of the bill by replacing it with the following:

***II. The department may issue a copy of any motor vehicle record upon the request of an insurance company and payment by the insurance company of a fee of \$7, \$2 of which shall be deposited in the general fund.***

Amend the bill by replacing all after section 2 with the following:

3 Distinction Between Valid and Non-Valid Commercial Driver License Eliminated. Amend the introductory paragraph of RSA 263:94, I to read as follows:

1. Any person who drives a commercial motor vehicle *with or* without a valid commercial driver license[, or while driving privileges are suspended, revoked or cancelled, or while disqualified from driving a commercial motor vehicle,] ***and commits one of the following offenses*** shall be punished as follows:

4 Refusal to Consent to Tests. RSA 263:96, III is repealed and reenacted to read as follows:

III.(a) Upon the first refusal of any person to submit to a test or tests as administered by a law enforcement officer for the purposes of determining the person's alcohol concentration or the presence of other drugs, the director shall revoke his license for a period of not less than one year.

(b) If the person has a prior refusal under subparagraph III(a) then, upon the second or subsequent refusal of such person to submit to a test or tests as administered by a law enforcement officer for the purposes of determining the person's alcohol concentration or the presence of other drugs, the director shall revoke his license for life, or for a period of not less than 10 years.

5 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill:

(a) Authorizes the department of safety to charge a \$7 fee for copies of motor vehicle records provided to insurance companies, \$2 of which to be deposited in the general fund.

(b) Deletes certain restrictions on commercial motor vehicle driving.

(c) Deletes the requirement that any person seeking a temporary 20-day registration from the division of motor vehicles possess a sales receipt for the vehicle which is dated the same day or one day after issuance of the registration.

This bill was requested by the department of safety.

Referred to Appropriations.

**HB 60-FN**, relative to a property tax exemption for low income residents. INEXPEDIENT TO LEGISLATE.

Present statutes now provide for aid to taxpayers who cannot pay their taxes. This bill, as written, would provide that once a person had applied and been accepted, he would continue to receive the exemption unless that person moved from town, with no regard to his income which might now make that person ineligible. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

**HB 259**, permitting a municipal governing body to assign street numbers. OUGHT TO PASS WITH AMENDMENT.

The Committee feels that strict numbering belongs to the local municipal government. It agrees with forwarding the information to the Department of Transportation. All testimony was favorable. Vote 14-0. Rep. Gabriel J. Daneault for Municipal and County Government.

#### Amendment

Amend RSA 231:133, II as inserted by section 1 of the bill by replacing it with the following:

*II. The naming of any new street or highway shall form a part of the return of the layout of the street or highway, or of the acceptance of any dedicated way. The municipality shall not be bound by any name previously assigned to the street or highway by any private owner, developer, or dedicator. No name for a highway or street shall be selected which is already in use, or which is confusingly similar to any such existing name, or which otherwise might delay the locating of any address in an emergency.*

**HB 292-FN**, relative to the real estate tax lien process. OUGHT TO PASS.

Testimony shows that this bill clarifies the terminology of what has been in practice. All testimony was in favor. Vote 17-0. Rep. John S. Barnes for Municipal and County Government.

**HB 295-FN**, relative to the veterans' property tax exemption. INEXPEDIENT TO LEGISLATE.

The Committee feels that this bill would contribute to the further erosion of the local tax base. No veterans' groups appeared to testify. Vote 17-0. Rep. John S. Barnes for Municipal and County Government.

**HB 672-FN**, relative to standards for fire safety for community living facilities. OUGHT TO PASS.

Enactment of this legislation will permit the establishment of additional community residences for groups of three or less persons who are developmentally-disabled. The bill relaxes the comprehensive fire and safety standards which are in effect for residences for a greater number of persons, and which would be cost-prohibitive for a very small number of residents. The rules and regulations established by the Department of Health and Human Services "Selected Care Facilities Regulation (HE-P 804:11)" provides excellent protection for the residents of the smaller community houses. Vote 10-0. Rep. Richardson D. Benton for Public Protection and Veterans Affairs.

**HB 111**, relative to recording of information concerning well radii. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, corrects a "catch-22" created by last year's HB 131. In addition, it will ease some of the overly-restrictive limitations on well locations and protective radii. Vote 15-0. Rep. Donald L. Roulston for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to protective well radii.

Amend the bill by replacing all after the enacting clause with the following:

I Purpose; Effect on Previous Law.

I. The provisions of this act shall not be construed to change in any way the substantive effect of RSA 485:35-a prior to the effective date of this act, which required all new subdivisions proposed after August 27, 1989, to confine wells and associated protective radii to the lot served by the well.

II. The rules adopted under former RSA 485:35-a relative to protective well radii shall remain in full force and effect upon adoption of this act. The recodification of the section on protective well radii from RSA 485 to RSA 485-A shall not be construed to affect the validity of such rules.

2 New Section; Protective Well Radii. Amend RSA 485-A by inserting after section 30-a the following new section:

485-A:30-b Protective Well Radii.

I. All lots, including lots created prior to the effective date of RSA 485:35-a, shall be subject to the following conditions:

(a) Rules adopted under this section concerning such lots shall include provisions allowing abutting lot owners to overlap their respective well radii for their mutual benefit in allowing well radii to extend over property lines onto state and locally-mandated property line setbacks, recorded easements, or land which is permanently dedicated to a use which precludes development.

(b) For private wells serving commercial buildings, the entire protective well radius shall be maintained on-lot, on a recorded easement, or on land which is permanently dedicated to a use which precludes development. For the purposes of this section, the term "commercial building" shall not include a residence which is also used for commercial purposes unless the total water withdrawal exceeds 600 gallons per day.

(c) For private wells serving buildings other than commercial buildings, if the protective well radius cannot be wholly maintained on an existing lot of record due to the size or other physical characteristics of the lot, then the on-lot protective radius shall be maximized to the extent practicable. Unless by recorded easement, abutting property shall not be encumbered by the protective radius of a well if such encumbrance would restrict development on said abutting property.

(d) Any person submitting plans and specifications for a sewage or waste disposal system for a property which is or will be served by an on-lot well, shall show the location or proposed location of the well, or a designated area within which the well will be located, on such plans and shall show the protective radius as specified in the division's rules.

(e) Whenever the division approves a septic plan with an on-lot well radius which is less than the optimum standard, the division shall notify the applicant of the consequences of such reduced radius and advise the applicant whether special precautions should be taken relative to well installation.

(f) If the well is not installed prior to the sewage or waste disposal system being constructed, then the property owner shall provide the water well contractor with a copy of the approved plan showing the location of the well, and the water well contractor shall ensure, to the best of his ability that the well is installed in accordance with the approved plan.

(g) When, for reasons of the condition of the lot or the placement of buildings thereon, the well cannot be installed as shown on the approved plan, the water well contractor shall advise and consult with the property owner, or the property owner's agent, on the best possible alternative location, considering distance to property boundaries and to the sewage or waste disposal system. Using a standard release form prepared by the division, the water well contractor shall alert the owner to the consequences of the alternate installation, including the potential loss of the protection of any portion of the radius which extends over the property line. The owner, or the owner's agent, may defer to the designer of the sewage or waste disposal system or may allow the water well contractor to proceed in the identified alternative location. Prior to installing the well in the identified alternative location, the well contractor shall, using the standard release form, obtain a written acknowledgment, from the property owner, or the owner's agent, that the consequences are understood. The designer shall prepare an amended plan showing the actual location of the well. The property owner shall forward the amended plan, together with a copy of the signed release form, to the division and the local code enforcement officer or other appropriate designated local official prior to using the well. If the on-lot protective well radius is less than the optimum prescribed standard, the owner shall record the [amended plan and the] release form, upon which the actual protective radius shall be noted, together with a narrative description of the location of the well in the registry of deeds, and a copy of the recorded release form shall be filed with the division.

II. For lots approved under RSA 485-A:29, the rules adopted under this section concerning such lots shall include provisions allowing abutting lot owners to overlap



their respective well radii for their mutual benefit by allowing well radii to extend over property lines, onto state and locally mandated property line setbacks, recorded easements, or land which is permanently dedicated to a use which precludes development. If after a lot is created pursuant to this section, the well cannot be installed as shown on the subdivision plan, then the provisions of RSA 485-A:30-b, 1(d), (e), (f), and (g) shall apply.

III. For the purposes of this paragraph, the term "cluster development" means a form of residential subdivision that permits dwelling units to be grouped on sites or lots with dimensions, frontages, and setbacks reduced from conventional requirements, provided that the remaining land area is permanently designated as open space for cluster development. For cluster developments the following provisions shall apply:

(a) Where the sewage waste disposal systems are located off of the individual home lots, the wells and associated protective radii serving those home lots need not be confined to the individual lot which each well serves so long as all wells and their associated protective radii are confined within the tract of home lots and common land permanently designated as open space.

(b) Where the home lots are serviced by on-lot sewage or waste disposal systems, wells and their protective radii may be located wholly or partially on common land permanently designated as open space. The division shall not approve such off-lot wells and radii unless the lot owner or developer demonstrates to the division's satisfaction, by means of recorded easements, land use restrictions or other appropriate mechanisms, that the well owner will be able to maintain and service the well in perpetuity and that the area covered by the protective well radius is permanently dedicated to a use which precludes development.

IV. The division shall adopt rules under RSA 541-A providing for protective well radii for private water wells, and for regulation of land use within the radii boundary.

3 Repeal. RSA 485:35-a, relative to protective well radii, is repealed.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes regulations for protective well radii, which include private wells serving commercial buildings, private wells serving buildings other than commercial buildings, and private wells serving cluster developments. In addition, it allows abutting lot owners to overlap their respective well radii for their mutual benefit by allowing well radii to extend over property lines in certain instances.

This bill recodifies the provisions of RSA 485:35-a, relative to protective well radii.

**HB 404-FN**, relative to certification of wetland scientists. **OUGHT TO PASS WITH AMENDMENT.**

This bill creates a classification of natural scientists known as "certified wetlands scientists." Where wetlands identification was once a matter of walking into the shrubbery until one's feet were wet, the new definition mandated by the United States Corps of Army Engineers requires expertise in soil science, hydrology, and botany as well as the performance of transects and plots. This new level of sophistication demands a new level of experts — the certified wetlands scientists. Vote 14-1. Rep. Donald L. Roulston for Resources, Recreation and Development.

### Amendment

Amend the subdivision heading preceding RSA 310-A:118 as inserted by section 5 of the bill by replacing it with the following:

#### Certifying Wetland Scientists.

Amend RSA 310-A:118, I and II as inserted by section 5 of the bill by replacing them with the following:

I. One or more wetland scientists from practicing wetland science through a sole proprietorship, partnership or corporation. For any such entity engaged in the practice of wetland science, at least one partner, officer or employee shall be a certified wetland scientist, and all descriptions, classifications, evaluations or delineations shall be stamped and co-signed by that certified wetland scientist, who shall be responsible for the accuracy of the information.

II. The practice of wetland science by a nonresident not having an established place of business in this state when such practice does not exceed, in the aggregate, more than 30 working days in any calendar year, provided such person is legally qualified to practice in his own state or country in which the requirements and qualifications for obtaining licensure or certification are not lower than those specified in this subdivision. If no standards for practicing wetland science exist in his own state or country, the practitioner must possess the qualifications as outlined in RSA 310-A:126. Practice for any portion of a day shall be deemed to constitute practice for an entire day.

Amend RSA 310-A:119, II and III as inserted by section 5 of the bill by replacing them with the following:

II. "Certified wetland scientist" means any individual who has been certified by the board, and who, by reason of his multidisciplinary expertise in wetland science, is qualified to practice wetland science.

III. "Multidisciplinary expertise in wetland science" means experience, or a combination of experience, education, and training in multiple scientific disciplines, including but not limited to botany, hydrology, pedology, ecology, biology and geology, and an understanding of the inter-relationships of these disciplines to the function and development of wetlands.

Amend RSA 310-A:120-122 as inserted by section 5 of the bill by replacing them with the following:

310-A:120 Certification. Any person, except as specifically exempted in RSA 310-A:118, who offers to practice wetland science for the general public in this state shall be certified in the practice of wetland science and shall be subject to the provisions of this subdivision.

310-A:121 Professional Standards. Standards for the profession of wetland science shall be based on the following:

I. Classification of wetlands shall be based on the "Classification of Wetlands and Deepwater Habitats of the United States," 1979 or the latest edition, as published by the United States Department of the Interior, Fish and Wildlife Service, or the classification system adopted by the state wetlands board.

II. Delineation of wetland boundaries shall be based on the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," 1989 or the latest edition, as prepared by the federal Interagency Committee for Wetland Delineation, and standards adopted by the state wetlands board.

III. Evaluation of wetland function and value shall be based on nationally or regionally accepted functional assessment methods accepted by the board and methods adopted by the state wetlands board.

310-A:122 Reciprocity. Any nonresident of this state who is licensed or certified as a wetland scientist nationally or in another state may be certified under this subdivision by filing an application with the board accompanied by a copy of his license or certification in such other state, and by paying a fee to the board, provided the applicant's qualifications meet the requirements of this subdivision and the rules adopted by the board.

Amend RSA 310-A:123, II as inserted by section 5 of the bill by replacing it with the following:

II. Each member of the board shall be a United States citizen and shall have been a resident of the state for at least 3 years immediately prior to appointment. Each of the appointed wetland scientist members shall have practiced wetland science for at least 2 years prior to appointment and shall have held a wetland scientist position for at least 2 years prior to appointment.

Amend RSA 310-A:125 as inserted by section 5 of the bill by replacing it with the following:

310-A:125 Additional Powers. The board shall have the power to subpoena witnesses and compel, by subpoena duces tecum, the production of books, papers and documents in a case involving the revocation or suspension of certification. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. Such subpoenas issued by any member of the board or by any justice of the peace shall have the same effect as though issued for appearance before the superior court.

Amend RSA 310-A:126, II(d) as inserted by section 5 of the bill by replacing it with the following:

(d) Teaching wetland delineation, wetland classification and wetland evaluation courses at an accredited college, university, or institution shall be considered as experience in the practice of wetland science.

Amend RSA 310-A:127 as inserted by section 5 of the bill by replacing it with the following:

310-A:127 Waiver of Examination or Educational Requirements. From January 1, 1992, to December 31, 1992, any person who has engaged in the delineation of wetlands, as defined in this subdivision, for at least 2 years prior to December 31, 1992, may apply to the board for certification. Such applicants may be certified as follows:

I. Any applicant who meets the educational requirements under RSA 310-A:126, I(a), (b) or (c), and who can demonstrate a proficiency in the classification and evaluation of wetlands, as defined in this subdivision, shall be approved for certification by the board without examination. Proficiency shall be demonstrated through experience, as required under RSA 310-A:126, II(a), (b), (d), or (e), or by the successful completion of training through courses or seminars approved by the board.

II. Any applicant who does not meet the educational requirements under RSA 310-A:126, I(a), (b) or (c) shall be approved by the board after having successfully passed an examination designed to determine proficiency and qualifications to engage in the practice of wetland science.

Amend RSA 310-A:128, III as inserted by section 5 of the bill by replacing it with the following:

III. Failure to remit the biennial renewal fee when due or provide sufficient documentation of continuing work or education in wetland science shall automatically cancel the certification. If properly renewed, a certification shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause. A person whose certification is cancelled for such failure may reinstate his certification by paying, within one year of cancellation, all fees due, plus a late fee as established by the board under rules adopted pursuant to RSA 541-A and sufficient documentation of continuing work or education in wetland science.

Amend RSA 310-A:129 and 310-A:130 as inserted by section 5 of the bill by replacing them with the following:

310-A:129 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person certified by the board has committed misconduct under paragraph II, and which specifies with sufficient documentation the ground for such complaint.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a certification to practice under this subdivision.

(b) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of wetland science.

(c) Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the interest of persons relying on the professional expertise of the certified wetland scientist.

(d) The use of alcohol or other habit forming drugs in a manner which has rendered the person unfit to practice under this subdivision.

(e) Mental or physical incompetency to practice under this subdivision.

(f) Willful or repeated violation of the provisions of this subdivision.

(g) Suspension or revocation of a certification, similar to the one which was not reinstated.

III. The board may take disciplinary action in one or more of the following ways and notice of such action shall be provided to newspapers of general circulation in the area in which the certified person practices:

(a) By reprimand.

(b) By suspension, limitation, or restriction of certification for a period of up to 5 years.

(c) By revocation of certification.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he has been found deficient.

310-A:130 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to a hearing, all parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within



3 months of the date of notice of a complaint received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

Amend RSA 310-A:131 and 310-A:132 as inserted by section 5 of the bill by replacing them with the following:

**310-A:131 Violations; Penalty.**

I. Any person shall be guilty of a misdemeanor if a natural person, or guilty of a felony in any other person who:

- (a) Holds himself out or represents himself to be a certified wetland scientist.
- (b) Practices or offers to practice wetland science in this state for others without certification pursuant to this subdivision.
- (c) Represents or attempts to use the certification or seal of another.
- (d) Gives any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a certification.
- (e) Falsely impersonates any other certified wetland scientist.
- (f) Attempts to use an expired or nonexistent or revoked certification or authorization.
- (g) Violates any of the provisions of this subdivision.

II. Notwithstanding paragraph I, no person shall have been found to be in violation of this subdivision for 180 days from the effective date of this subdivision.

Amend the bill by replacing section 6 with the following:

**6 Original Appointments to Board.**

I. The original wetland scientist members of the board shall be persons who have practiced wetland science for at least 3 years prior to the effective date of this act.

II. Of the original appointments made under RSA 310-A:123, I as inserted by section 5 of this act, one wetland scientist and the public member shall be appointed to one-year terms, one wetland scientist shall be appointed to a 2-year term and 2 wetland scientists shall be appointed to 3-year terms.

Referred to Executive Departments and Administration

**HB 458**, relative to the composition of the wetlands board. **OUGHT TO PASS WITH AMENDMENT.**

Present law requires that the three Wetlands Board members appointed pursuant to RSA 482-A:51(i) be members of the New Hampshire Association of Conservation Districts, the New Hampshire Association of Conservation Commissions, and the New Hampshire Municipal Association. HB 458 would further provide that each of these members be chosen from a list of three nominees submitted by the specified associations. The bill is intended to clarify legislative intent regarding the three specified members and not to alter the overall composition of the Board. Vote 12-1. Rep. Carol M. Stamatakis for Resources, Recreation and Development.

**Amendment**

Amend RSA 482-A:5, I(i) as inserted by section 1 of the bill by replacing it with the following:

(i) Three members of the public appointed by the governor and council for a term of 3 years or until a successor is chosen. One of these shall be a member of a municipal conservation commission at the time of appointment, *and be one of 3*

*nominees submitted by the New Hampshire Association of Conservation Commissioners; one shall be a [member] supervisor, associate supervisor, former associate supervisor or former supervisor, of a [soil or water] conservation district at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Districts; and one shall be an elected municipal official at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Municipal Association.* The 3 members appointed under this subparagraph shall be entitled to expenses as may be authorized by the governor and council.

#### AMENDED ANALYSIS

This bill clarifies the composition of the wetlands boards and specifies the criteria for the nominees.

**HB 155**, relative to notice to tenants of manufactured housing park foreclosure. RE-REFER TO COMMITTEE.

This bill has outstanding possibilities, however, it does need more intensive in-depth study by the entire Committee or at the very least, a rather large subcommittee. A Subcommittee did work on the bill, but after its report to the full Committee, other undiscovered concerns were brought forth and it is now strongly felt more study must be put forth for a good bill to come before the Legislature. Vote 13-0. Rep. Lowell D. Apple for State Institutions and Housing.

**HB 207**, relative to permitting housing discounts to senior citizens. INEXPEDIENT TO LEGISLATE.

This bill would shift the cost to the younger residents. Vote 13-0. Rep. Leon Calawa, Jr. for State Institutions and Housing.

**HB 596-FN**, relative to manufactured housing park rules and penalties for violation of certain conditions in manufactured housing parks. INEXPEDIENT TO LEGISLATE.

The Committee felt that the bill did not serve the purpose that the sponsor intended. Vote 14-0. Rep. Scott E. Green for State Institutions and Housing.

**HB 659-FN**, relative to legal representation in eviction proceedings. OUGHT TO PASS WITH AMENDMENT.

House Bill 659, as amended, makes clear by law to all district courts of our state who now believe because of one specific court ruling that lawyers must represent legal entities in simple litigation such as eviction proceedings. It is simply a hardship on property owners who must pass these extraordinary expenses on to tenants. Vote 14-0. Rep. Scott E. Green for State Institutions and Housing.

#### Amendment

Amend RSA 540:12-a as inserted by section 1 of the bill by replacing it with the following:

540:12-a Legal Representation. Notwithstanding any law or rule to the contrary, any legal entity which is also a lessor or owner of real property may appoint an officer, an employee, or an agent of such legal entity to represent it in eviction proceedings before the district court. For purposes of this section, "legal entity" means a corporation, a partnership, a real estate agency or any other person not a natural person.

## AMENDED ANALYSIS

This bill authorizes a legal entity which is also a lessor or owner of real property to appoint an officer, an employee, or an agent of such entity to represent it in eviction proceedings before the district court.

**HB 778-FN**, relative to the laws against discrimination. RE-REFER TO COMMITTEE.

The sponsor, in his testimony, requested that the bill be re-referred to the Committee for further study. Vote 13-0. Rep. Lowell D. Apple for State Institutions and Housing.

**HB 312-FN**, relative to the bequest of unique numbered license plates. INEXPEDIENT TO LEGISLATE.

This bill would have authorized any person who has been issued vanity or low-numbered motor vehicle plates to bequest such plates to his lineal descendants. Since the plates are not the property of the person registering the vehicle, they may not legally be bequeathed. Vote 12-3. Rep. Roger D. Stewart for Transportation.

**HB 373-FN**, relative to agricultural and farm motor vehicle license plates. OUGHT TO PASS WITH AMENDMENT.

This bill clarifies and legalizes conditions permitting a truck, tractor-truck or tractor registered as a farm motor vehicle to transport or tow an instrument of husbandry. Vote 16-0. Rep. Roger D. Stewart for Transportation.

## Amendment

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Towing Implement Added. Amend RSA 261:82, I by inserting after subparagraph (d) the following new subparagraph:

(e) Hauling or towing implements of husbandry.

Amend the bill by replacing section 3 with the following:

3 Towing Implement Permitted. Amend RSA 261:84, I to read as follows:

I. A truck, tractor truck, or semi-trailer shall qualify for farm registration rates and number plates and shall be driven with such registration only if such vehicle is used solely for the transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant[, and]. *Additionally, any vehicle which qualifies for farm plates may transport or tow an implement of husbandry. A vehicle which qualifies for farm registration and number plates shall not be used for the transportation of wood and lumber for sale other than from such farms on which the production of wood and lumber is incidental to other farm operations, nor shall such trucks be used for the retail delivery of milk.*

## AMENDED ANALYSIS

This bill authorizes the division of motor vehicles to issue farm motor vehicle registration plates where a truck, tractor-truck or tractor shall transport or tow an instrument of husbandry. The bill also provides for the reference of trucks, tractor-trucks, or tractors within the agricultural vehicle registration application form.

**HB 405**, relative to using motor vehicle headlights in inclement weather. **INEXPEDIENT TO LEGISLATE.**

The Committee does not believe that this bill, concerning the use of vehicle headlights in inclement weather is necessary. Most operators of motor vehicles comply with this act. Vote 17-0. Rep. Francis X. Donovan for Transportation.

**HB 555**, limiting horsepower on Big Pea Porridge Pond. **OUGHT TO PASS.**

This bill will change RSA 270:93 to the original language of RSA 486:26, approved May 5, 1986 as part of Chapter 54 (HB 357). Twenty people appeared in favor, no one in opposition. Vote 13-0. Rep. Gordon E. Bartlett for Transportation.

### REGULAR CALENDAR

**HB 139-FN**, relative to fair credit billing. **OUGHT TO PASS.**

House Bill 139, dealing with fair credit billing, was reworked in interim study. The Banking Commissioner needs this bill to be in step with federal laws. Vote 13-1. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Adopted.

Ordered to third reading.

**HB 456**, prohibiting bear baiting. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

**MAJORITY:** The Committee found that restrictions worked out with the New Hampshire Fish and Game Department, wildlife and sportsmen's groups are preferable to the outright banning of this method of hunting. Vote 12-4. Rep. Richard W. Lougee for the Majority of Fish and Game.

**MINORITY:** Because of constituency demands for legislation against this unethical method of killing bears, and their disbelief that baiting is a legal method of hunting, this bill should be passed to protect the image and integrity of the sport of hunting. Rep. Herbert R. Drake for the Minority of Fish and Game.

Rep. Drake moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Rep. Felch spoke against.

**(Deputy Speaker Michael Hill in the Chair)**

Reps. Stacey Cole and Allen Wiggin spoke in favor.

Rep. Theriault spoke against and yielded to questions.

Reps. Lewis and Robert Foster spoke in favor.

Rep. Lougee spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

### YEAS 225

### NAYS 114

### YEAS 225 BELKNAP

Bartlett, Gordon E.  
Maviglio, Steven R.  
Vogler, Charles C.

Cain, Thomas G.  
Rosen, Ralph J.  
Ziegra, Alice S.

Holbrook, Robert G.  
Salatiello, Thomas B.

### CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Allen R.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Jean, Robert R.

Bradley, Jeb E.  
Dickinson, Howard C.  
Saunders, Howard N.



**CHESHIRE**

Burnham, Daniel M.  
DePecol, Benjamin J.  
Hunt, John B.  
Laurent, John J.  
Riley, William A.

Champagne, Richard L.  
Doucette, Richard F.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Sawyer, Alfred P.

Cole, Stacey W.  
Hogan, James B.  
LaMar, David M.  
Pearson, Gertrude B.  
Spear, Susan S.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Nelson, Harold D.

Buckley, C. Fitzgerald  
Horton, Lynn C.

Guay, Lawrence J.  
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Guest, Robert H.  
Nordgren, Sharon L.  
Ward, Kathleen W.

Chambers, Mary P.  
Larson, Nils H., Jr.  
Teschner, Douglass P.  
White, Paul R.

Copenhagen, Marion L.  
McIlwaine, Deborah P.  
Trelfa, Richard T.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Bowers, Dorothy C.  
Cote, David E.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Durham, Susan B.  
Emerton, Lawrence A.  
Ford, Nancy M.  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Holden, Carol H.  
Johnson, Lionel W.  
Kelley, Dana F.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Turgeon, Roland M.  
White, John M.

Alukonis, David J.  
Arnold, Barbara E.  
Buckley, Raymond  
Crotty, Edward J.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Fenton, James J.  
Gage, Ruth E.  
Green, Scott E.  
Hall, Betty B.  
Hultgren, David D.  
Jordan, Mary H.  
Kurk, Neal M.  
Martin, Mary Ellen  
McRae, Karen K.  
O'Rourke, Joanne A.  
Perham, Lester R.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Tarpley, Nancy L.  
Upton, Barbara A.  
Wright, George W.

Amidon, Eleanor H.  
Baker, George H., Sr.  
Clemons, Jane A.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Keane, Cornelius J.  
Leclerc, Charles J.  
McCann, Bonnie Lou  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Pignatelli, Debora B.  
Schneiderat, Catherine A.  
Soucy, Donna M.  
Tate, Joan C.  
Vanderlosk, Stanley R.

**MERRIMACK**

Braiterman, Thea  
Chandler, John P.  
Gilbreth, Robert M.  
Holmes, Mary C.  
Kidder, William F.  
Molner, Mary E.  
Trombly, Rick A.

Carter, Susan D.  
Dunn, Miriam D.  
Hall, Douglas E.  
Jacobson, Alf E.  
Lewis, Mary Ann  
Soldati, Jennifer G.  
Wallner, Mary Jane

Chandler, Earle W.  
Fillion, Paul R.  
Hayes, Robert C.  
Johnson, C. William  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Yeaton, Charles B.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Dube, LeRoy S.  
 Flanders, David A.  
 Gage, Beverly A.  
 Haynes, Richard  
 Hynes, Carolyn E.  
 Keith, Brenda E.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Rosencrantz, James R.  
 Seward, Russell G.  
 Splaine, John E., Sr.  
 Warburton, Calvin

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Clark, Martha Fuller  
 Cooke, Annette M.  
 Dowling, Patricia A.  
 Falwell, Robert V.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 MacDonald, Joseph A.  
 McCarthy, John J., Jr.  
 Palazzo, Frank J.  
 Roulston, Donald L.  
 Skinner, Patricia M.  
 Syracuse, Anthony  
 Weyler, Kenneth L.

Buco, Stephen W.  
 Christie, Andrew, Jr.  
 Coffey, John J.  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Griebisch, Linda  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 Magoon, Harold F.  
 McGovern, Cynthia A.  
 Pantelakos, Laura C.  
 Rubin, George R.  
 Smith, Arthur W.  
 Vaughn, Charles L.  
 Woods, Deborah L.

**STRAFFORD**

Appleby, James E.  
 Douglass, Clyde J.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 Marston, Robert E.  
 Nehring, William H.  
 Parks, Joe B.  
 Tsiros, William

Bickford, Drucilla  
 Foss, Patricia H.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 McCann, William H., Jr.  
 O'Brien, John  
 Pelley, Janet R.  
 Wheeler, Katherine W.

Corte, Arthur B.  
 Frechette, Roland A.  
 Hashem, Elaine M.  
 Kincaid, William K.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Spencer, Leo J.  
 Young, John B.

**SULLIVAN**

Allison, David C.  
 Flint, Gordon B.  
 Middleton, John A.  
 Walsh, Robert R.

Behrens, Thomas A.  
 Krueger, Richard H.  
 Rodeschin, Beverly T.

Burling, Peter Hoe  
 Lindblade, Eric N.  
 Tetu, Michael A.

**NAYS 114****BELKNAP**

Accornero, Harry  
 Johnson, Carl R.  
 Shibley, Arnold P.

Dewhirst, Glenn E.  
 Joscelyn, William W.  
 Turner, Robert H.

Golden, Paul A.  
 Rice, Thomas E. P., Jr.

**CARROLL**

Wiggin, Gordon E.

**CHESHIRE**

Crutchley, Donald O.  
 Grodin, Richard A.  
 Perry, David M.

Feuer, Joseph N.  
 Kennison, Wayne A.

Foster, Katherine D.  
 Morse, Jo Ann T.

**COOS**

Coulombe, Henry W.  
 Oliver, Terry D.

Kilbride, Dennis J.  
 Theriault, Romeo J.

Mayhew, Josephine

**GRAFTON**

Brown, Channing T.  
Dow, David  
Lougee, Richard W.  
Stewart, Roger D.

Brown, Patricia B.  
Driscoll, William J.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.

Christy, C. Dana  
Hill, Richard L.  
Scanlan, David M.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Calawa, Leon, Jr.  
Daniels, Gary L.  
Ferguson, Charles  
Goulet, Maurice E.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lawrence, Eva M.  
Mason, Howard F.  
Messier, Irene M.  
Pepino, Leo P.  
Riley, Frances L.  
Sallada, Roland A.  
Wheeler, Robert L.

Chasse, Richard D.  
Desrosiers, William J.  
Fields, Dennis H.  
Greenglass, Alan B.  
King, Frank P.  
Laroche, Roger B.  
Lawrence, Norman B.  
McDowell, James E.  
Murphy, Robert E.  
Peters, Stanley W.  
Rodgers, G. Philip  
Steiner, Lee Anne  
Wihby, Linda S.

Cowenhoven, Garret P.  
Dyer, Merton S.  
Gosselin, Gerald O.  
Healy, Walter F.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
Mercer, Robert S.  
Ouellette, Robert O.  
Record, Alice B.  
Rothhaus, Finlay C.  
Wheeler, David K.

**MERRIMACK**

Barberia, Richard A.  
Daneault, Gabriel J.  
Letourneau, George E.  
Stio, Peter M.

Boucher, Laurent J.  
Hager, Elizabeth S.  
Nichols, Avis B.

Christie, Thomas J.  
Johnson, Joyce M.  
Smith, Gerald R.

**ROCKINGHAM**

Boucher, William P.  
Dowd, Sandra K.  
Hoelzel, Kathleen M.  
McCain, William F.  
Raynowska, Bernard J.  
Senter, Marilyn P.  
Sytek, John J.  
Welch, David A.

Brown, Jeffrey M.  
Felch, Charles H., Sr.  
Klemarczyk, Thaddeus E.  
Melnick, Roy E.  
Schanda, Joseph, Sr.  
Simon, Peter M.  
Thayer, Lcroy C.

Connell, David R.  
Flanders, John W., Sr.  
Klemm, Arthur P., Jr.  
Packard, Sherman A.  
Schmidtchen, Rowland H.  
Sytek, Donna P.  
Tufts, Arthur

**STRAFFORD**

Brown, Julie M.  
Messier, Donald R.  
Torr, Ralph W.

Flynn, Edward J.  
Sullivan, Henry P.  
Vincent, Francis C.

Kinney, Paula J.  
Torr, Ann M.

**SULLIVAN**

Domini, Irene C.  
and the motion was adopted.  
Ordered to third reading.

Schotanus, Merle W.

Stamatakis, Carol M.

**HB 650-FN**, prohibiting advertising of tobacco products on billboards and signs.  
**INEXPEDIENT TO LEGISLATE.**

Billboard advertising in this state is legal. Sale of tobacco in this state is legal. Passage of HB 650, therefore, would ban legal advertising of a legal product. The Committee believes this would be unfair and perhaps illegal. The sponsors' goals

would be met better by making highway billboards, or sale of tobacco products, illegal across the board. Vote 12-2. Rep. Robert A. Lockwood for Judiciary.

Adopted.

**HB 766-FN**, requiring parental consent before certain procedures may be performed on minors. **INEXPEDIENT TO LEGISLATE**.

The sponsor's initial testimony indicated that he wanted to prevent minors from receiving tattoos, cosmetic surgery and ear piercing without parental permission. The Committee determined that the bill, as written, would make it a felony offense for any health care provider to provide any medical, dental, psychological service to minors without prior written parental consent. Vote 15-1. Rep. Robert A. Lockwood for Judiciary.

Rep. Thomas Christie moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Katherine Wheeler and Burling spoke against and yielded to questions.

Rep. Nielsen spoke in favor.

Rep. Record spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

#### **YEAS 47**

#### **NAYS 284**

#### **YEAS 47 BELKNAP**

Accornero, Harry  
Rosen, Ralph J.

Golden, Paul A.

Johnson, Carl R.

#### **CARROLL**

None

#### **CHESHIRE**

Doucette, Richard F.

Laurent, John J.

#### **COOS**

Theriault, Romeo J.

#### **GRAFTON**

Dow, David

Nielsen, Niels F., Jr.

#### **HILLSBOROUGH**

Baker, George H., Sr.  
Elliott, Larry G.  
Healy, Daniel J.  
Lawrence, Eva M.  
Martin, Mary Ellen  
Rheault, Lillian I.  
Wright, George W.

Daniels, Gary L.  
Gagnon, Gabrielle V.  
L'Heureux, Robert J.  
Leclerc, Charles J.  
Ouellette, Robert O.  
Riley, Frances L.

Drabinowicz, A. Theresa  
Gosselin, Gerald O.  
Laroche, Roger B.  
Lefebvre, Roland J.  
Pepino, Leo P.  
Wheeler, David K.

#### **MERRIMACK**

Barberia, Richard A.  
Letourneau, George E.

Christie, Thomas J.  
Stapleton, Henry F.

Holmes, Mary C.



**ROCKINGHAM**

Barnes, John S., Jr.  
Cooke, Annette M.  
Klemarczyk, Thaddeus E.  
Welch, David A.

Brown, Jeffrey M.  
Hoelzel, Kathleen M.  
Palazzo, Frank J.

Connell, David R.  
Hynes, Carolyn E.  
Sytek, Donna P.

**STRAFFORD**

Kincaid, William K.

Marston, Robert E.

Tsiros, William

**SULLIVAN**

Domini, Irene C.

**NAYS 284****BELKNAP**

Bartlett, Gordon E.  
Joscelyn, William W.  
Shibley, Arnold P.  
Ziegra, Alice S.

Cain, Thomas G.  
Maviglio, Steven R.  
Turner, Robert H.

Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Allen R.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Jean, Robert R.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Dickinson, Howard C.  
Saunders, Howard N.

**CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Foster, Katherine D.  
Hunt, John B.  
LaMar, David M.  
Pearson, Gertrude B.  
Spear, Susan S.

Champagne, Richard L.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Perry, David M.

Cole, Stacey W.  
Feuer, Joseph N.  
Hogan, James B.  
Kingsbury, H. Thayer  
Morse, Jo Ann T.  
Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Kilbride, Dennis J.  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Mayhew, Josephine

Coulombe, Henry W.  
Horton, Lynn C.  
Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Driscoll, William J.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Wadsworth, Karen O.

Arnesen, Deborah L.  
Chambers, Mary P.  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Whitcomb, Henry F., Jr.

Brown, Channing T.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Trelfa, Richard T.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Cote, David E.

Alukonis, David J.  
Arnold, Barbara E.  
Chasse, Richard D.  
Cowenhoven, Garret P.

Amidon, Eleanor H.  
Buckley, Raymond  
Clemons, Jane A.  
Crotty, Edward J.

Daigle, Robert A.  
 Domaingue, Jacquelyn M.  
 Durham, Susan B.  
 Emerton, Lawrence A.  
 Ferlan, Arthur P.  
 Gage, Ruth E.  
 Greenglass, Alan B.  
 Hall, Betty B.  
 Holden, Carol H.  
 Johnson, Lionel W.  
 Kelley, Dana F.  
 Kurk, Neal M.  
 Lown, Elizabeth D.  
 McDowell, James E.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Sallada, Roland A.  
 Smith, Leonard A.  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 Wheeler, Robert L.

Desrochers, Gerard T.  
 Donovan, Francis X.  
 Dwyer, Patricia R.  
 Fenton, James J.  
 Fields, Dennis H.  
 Gagnon, Eugene L.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 Hultgren, David D.  
 Jordan, Mary H.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Paquette, Rodolphe G.  
 Pignatelli, Debora B.  
 Rodgers, G. Philip  
 Schneiderat, Catherine A.  
 Soucy, Donna M.  
 Tarpley, Nancy L.  
 Upton, Barbara A.  
 White, John M.

Dodge, Emma M.  
 Drolet, Paul L.  
 Dyer, Merton S.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Green, Scott E.  
 Haettenschwiller, Alphonse  
 Healy, Walter F.  
 Jasper, Shawn N.  
 Keane, Cornelius J.  
 King, Frank P.  
 Lawrence, Norman B.  
 McCann, Bonnie Lou  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 O'Rourke, Joanne A.  
 Perham, Lester R.  
 Record, Alice B.  
 Rothhaus, Finlay C.  
 Searles, Stanley N., Sr.  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Vanderlosk, Stanley R.  
 Wihby, Linda S.

#### MERRIMACK

Apple, Lowell D.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Hager, Elizabeth S.  
 Jacobson, Alf E.  
 Kidder, William F.  
 Molner, Mary E.  
 Soldati, Jennifer G.  
 Wallner, Mary Jane

Braiterman, Thea  
 Chandler, John P.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Johnson, C. William  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Stio, Peter M.  
 Yeaton, Charles B.

Carter, Susan D.  
 Daneault, Gabriel J.  
 Gilbreth, Robert M.  
 Hayes, Robert C.  
 Johnson, Joyce M.  
 Millard, Elizabeth S.  
 Smith, Gerald R.  
 Trombly, Rick A.

#### ROCKINGHAM

Bell, Juanita L.  
 Buco, Stephen W.  
 Christie, Andrew, Jr.  
 Coffey, John J.  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Gage, Beverly A.  
 Haynes, Richard  
 Johnson, Robert A.  
 Keith, Brenda E.  
 Magoon, Harold F.

Benton, Richardson D.  
 Campbell, Marilyn R.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Dube, LeRoy S.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Hoar, John, Jr.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 McCain, William F.

Boucher, William P.  
 Caswell, Albert, Jr.  
 Clark, Martha Fuller  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Falwell, Robert V.  
 Flanders, David A.  
 Ford, Bert H.  
 Griebisch, Linda  
 Hutchinson, Karen K.  
 Katsakiores, George N.  
 MacDonald, Joseph A.  
 McCarthy, John J., Jr.

McGovern, Cynthia A.  
 Pantelakos, Laura C.  
 Roulston, Donald L.  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Syracuse, Anthony  
 Tufts, Arthur  
 Weyler, Kenneth L.

Melnick, Roy E.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Seward, Russell G.  
 Smith, Arthur W.  
 Sytek, John J.  
 Vaughn, Charles L.  
 Woods, Deborah L.

Packard, Sherman A.  
 Rosencrantz, James R.  
 Schmidtchen, Rowland H.  
 Simon, Peter M.  
 Splaine, John E., Sr.  
 Thayer, Leroy C.  
 Warburton, Calvin

#### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Spencer, Leo J.  
 Torr, Ralph W.  
 Young, John B.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Frechette, Roland A.  
 Hashem, Elaine M.  
 Kinney, Paula J.  
 Messier, Donald R.  
 Parks, Joe B.  
 Sullivan, Henry P.  
 Vincent, Francis C.

Brown, Julie M.  
 Flynn, Edward J.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 McCann, William H., Jr.  
 O'Brien, John  
 Pelley, Janet R.  
 Torr, Ann M.  
 Wheeler, Katherine W.

#### SULLIVAN

Allison, David C.  
 Flint, Gordon B.  
 Lindblade, Eric N.  
 Schotanus, Merle W.  
 Walsh, Robert R.

Behrens, Thomas A.  
 Harland, Jane A.  
 Middleton, John A.  
 Stamatakis, Carol M.

Burling, Peter Hoe  
 Krueger, Richard H.  
 Rodeschin, Beverly T.  
 Tetu, Michael A.

and the motion lost.  
 Report adopted.

**HR 10**, on petition objecting to the seating of Mr. Lowell D. Apple, Representative-elect of Hooksett, New Hampshire.

The House of Representatives has received a complaint from Richard Marple alleging that a Republican candidate for the House of Representatives counted Democratic ballots in the primary and became the winner of the Democratic nomination by write-in vote. He further alleges that this candidate should have been disqualified as both a Republican and Democratic candidate for the seat.

This complaint had been previously filed with the Ballot Law Commission which ordered, after a hearing, that the candidate was disqualified from appearing on the Democratic side of the ballot in the general election. This Committee has reviewed the allegations and materials submitted in this matter. There are no disputed facts.

The Committee concludes that the findings and remedy ordered by the Ballot Law Commission were consistent with the law and, therefore, recommends that no further action be taken with respect to the Republican candidate. The Committee is concerned, however, that the evidence submitted indicates that moderators may not be thoroughly familiar with the Election Laws which it is their duty to oversee.

The Committee strongly urges the Secretary of State to take any additional steps necessary to insure that moderators are fully informed of all provisions of the Election Laws. Vote 12-0. Rep. Ann M. Torr for Legislative Administration.

Petition denied.

**HR 12**, petition contesting the seating of representative Gregory Janas of Manchester, New Hampshire.

Adoption of this resolution proposed by the Committee is the next step needed in order to fill the vacant House seat in Hillsborough, District 39. The vacancy is a result of the Ballot Law Commission declaring the election for that seat to be a tie and the subsequent resignation of Rep. Janas, which was accepted with respect. The language of the resolution is based on precedents set in two prior elections. This resolution has the unanimous support of both the Elections Subcommittee and the full Legislative Administration Committee. Rep. Susan S. Spear for Legislative Administration.

Petition accepted.

Offered by the Committee on Legislative Administration.

**HR 17**, calling for a special run-off election for representative to the general court between Norma Champagne and Gregory Janas.

Whereas, the general election in Hillsborough county district 39 has ultimately resulted in a tie between Norma Champagne and Gregory Janas; and

Whereas, this house has both the constitutional authority to settle this matter by voting to seat one of these candidates and a great and honorable tradition of endorsing the concept of home rule; and

Whereas, we believe that the voters of that district have already indicated by their close vote that they wish to be represented in the general court by one of these individuals; now, therefore be it

Resolved by the House of Representatives:

That this seat be declared vacant and the election be returned to the voters of Hillsborough county district 39 as legally constituted as of November 6, 1990, to uphold the principle of one person, one vote; and

That, if the city of Manchester chooses to hold a special election to determine its choice for representative to the general court, the house of representatives orders that the ballots used in that run-off election contain only the names of Norma Champagne and Gregory Janas with no blank appearing; and

That the clerk of the house transmit a copy of this resolution to the secretary of state, Norma Champagne and Gregory Janas; and

That all communications to the Clerk of the House from the parties at interest in this matter be entered in the House Journal.

Adopted.

(Petition printed in House Journal No. 4, February 5, 1991)

(Letter of Resignation printed in House Journal No. 6, March 6, 1991)

**HB 369-FN**, to establish a state veterans cemetery. **INEXPEDIENT TO LEGISLATE**.

A Subcommittee, after an extensive on-site visit to the Laconia State School, determined that this was not a suitable location for a military cemetery. There was no one area which was of sufficient acreage to accommodate a cemetery according to federal size specifications; to have a burial ground divided by access roads to a state prison and to a state park, both which would have heavy traffic, would be unacceptable from an aesthetic standpoint, and for the privacy associated with a cemetery. Additionally, there is acreage in the proposed cemetery area which has ledge and marsh, which makes those areas unsuitable for in-ground interment. Vote 10-1. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.



Adopted.

**HB 684-FN-A**, regarding the committee to study conservation and preservation of state historic flags and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

This legislation expands the membership, the duties and the goals of the committee established in 1990, to oversee the conservation of the historic Civil War banners and guidons currently maintained in the Hall of Flags. Among the newly-established members is a person who has "Civil War expertise" which could lead to the appointment of Kenneth Burns, the filmmaker, by the Governor. The appropriation of \$1 is made for the purpose of having a base for possible future appropriations, donations, grants, etc., such funds to be held by the Treasurer of New Hampshire and expended at the direction of the elected officers of the Committee. Vote 8-2. Rep. Leroy C. Thayer for Public Protection and Veterans Affairs.

#### Amendment

Amend the bill by replacing sections 2-3 with the following:

2 Committee Increased. Amend 1990, 34:2. I is repealed and reenacted to read as follows:

I. There is hereby established a committee to conduct a study regarding restoration, conservation, and preservation of the flags for display in the hall of flags in the state house and to hire necessary personnel to commence the conservation project. The members of the committee shall be the following:

(a) Two members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the senate president.

(c) The governor or designee.

(d) The secretary of state or designee.

(e) The adjutant general or designee.

(f) The commissioner of the department of cultural affairs or designee.

(g) The chairman of the joint legislative historical committee or designee.

(h) The state curator.

(i) The president of the New Hampshire Veterans' Association or designee.

(j) Three residents from the state of New Hampshire to be appointed by the governor, one having expertise in New Hampshire military history; one having expertise in Civil War history; and one having expertise in textiles.

3 Committee Duties. 1990, 34:3 is repealed and reenacted to read as follows:

34:3 Duties.

I. The primary duty of the committee shall be to conduct a study, make recommendations, hire conservation personnel, and commence conservation and preservation of the flags displayed in the hall of flags of the state house and any other historic flags which the state may own or receive. The committee shall elect its own chairman, vice-chairman, and secretary from among its members. The committee's duties shall include, but not be limited to, conducting a study and preparing a report including an evaluation of different conservation options, a professional condition report and options for conservation of individual items in the collection, and recommendations regarding display and storage of the collection. The committee shall:

(a) Establish project schedules and timetables, project expenses including an estimate of total conservation, display, interpretation, and continuing management costs, and propose a budget for the recommended expenses.

(b) Establish specific conservation measures.  
 (c) Obtain a professional condition report and photograph of each item in the collection.

(d) Establish a plan for continuing management and conservation.

II. The chairman, with the consent of the committee, is authorized to hire consultants as required, subject to budgetary limitations.

III. The chairman, with the consent of the committee, is authorized to hire a professional textile conservator or other suitable professional to commence the conservation work within budgetary limitations under the supervision and direction of the state curator.

IV. Notwithstanding any other provision of law, the committee is authorized to receive gifts, grants or donations of any kind made for the conservation, preservation, interpretation display and continuing management of the flag collection. All monetary grants, gifts, or donations shall be deposited in a special fund so designated and on deposit with the state treasurer and shall be administered by the elected officers of the committee. Interest earned by this fund shall become part of the fund and not returned to the general fund.

Amend the bill by inserting after section 4 the following and renumbering the original sections 5 and 6 to read as 6 and 7, respectively:

5 Compensation. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

#### AMENDED ANALYSIS

This bill:

(a) Replaces certain references to the restoration and preservation of historic flags with the term conservation.

(b) Increases the committee membership by 8 members, including, among others, the governor and the commissioner of the department of cultural affairs.

(c) Permits interest earned on the special fund to remain in the special fund rather than be transferred to the general fund.

(d) Extends the date for the committee to file a report on its findings with the governor and legislative leadership from 1990 to 1991.

(e) Makes an appropriation to the committee.

Adopted.

Report adopted.

Ordered to third reading.

**HB 241**, relative to the age requirement for retirement communities. **OUGHT TO PASS WITH AMENDMENT.**

Passage of HB 241 brings New Hampshire into compliance with the provisions of the Fair Housing Amendments Act of 1988 by incorporating into this statute. Vote 13-1. Rep. John J. McCarthy for State Institutions and Housing.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Age Change for Retirement Communities. Amend RSA 354-A:8, V-b (d) to read as follows:

(d) For the purpose of the age discrimination provision only, to the sale or rental of dwellings, the sale or rental of which is pursuant to a plan for retirement or

similar community or establishment limited to [persons over a certain age, not less than 45 years] *at least one person 55 years of age or older per unit.*

2 Rules Regarding Occupancy Restrictions. Amend RSA 205-A:2, II(d) to read as follows:

(d) For a period of 3 years after the implementation of a rule restricting occupancy, refuse to approve the on-site sale of manufactured housing to any person on the basis of age or family status unless such a restriction on occupancy was included in the rules or lease or rental agreement at the time the seller commenced his tenancy in the park. *However, if the park owner or operator implements a rule in order to qualify, under the Fair Housing Amendments Act of 1988, as a provider of housing for older persons, the period shall be 180 days instead of 3 years.*

3 Applicability. Persons who are currently residing in retirement or similar communities pursuant to RSA 354-A:8, V-b(d) prior to the effective date of this act who are between the ages of 45 years and 55 years may continue to reside in such retirement or similar community after the effective date of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill changes the age requirement for retirement communities from 45 to 55 years of age and provides that only 1-person per unit has to be 55 years of age or older in compliance with federal law.

The bill also changes time period for certain rules regarding occupancy restriction. Adopted.

Report adopted.

Ordered to third reading.

**HB 374-FN**, relative to flammability testing of seating furniture manufactured for public buildings. INEXPEDIENT TO LEGISLATE.

The Committee felt that though this bill was amiable and well-intended, it lacked specificity. As proposed, this bill would prohibit institutions and several agencies from receiving furniture as gifts which do not comply with the proposed legislation. It could further prohibit societies, etc. from purchasing or accepting antiques for public use or display. Vote 11-2. Rep. Patricia A. Dowling for State Institutions and Housing.

Adopted.

**HB 437-FN**, regarding the application of pesticides by landlords. INEXPEDIENT TO LEGISLATE.

This bill needs more work and is not needed at this time. The fiscal impact was greater than what was reported regarding the spraying of pesticides. Vote 12-1. Rep. Richard F. Doucette for State Institutions and Housing.

Adopted.

**HB 581**, relative to eviction of a tenant for nonpayment of rent. OUGHT TO PASS WITH AMENDMENT.

House Bill 581, as amended, clarifies the existing statute. There is presently no determined time in the law; it is left to a judge's discretion. This is very confusing to both property owners and tenants. The bill, also clarifies the property owner's responsibility and the limits thereof. Vote 12-2. Rep. Robert O. Ouellette for State Institutions and Housing.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to personal property of tenants.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Property of Tenant. Amend RSA 540 by inserting after section 14 the following new section:

540:14-a Property of Tenant. A landlord shall maintain and exercise reasonable care in the storage of the personal property of a tenant who has either been evicted or has vacated the premises, for a period of 45 days after the date upon which such tenant was evicted or vacated. After the 45-day limit has expired such personal property may be disposed of by the landlord. Failure to comply with this section shall constitute a violation of RSA 358-A:2.

2 New Paragraph; Unfair Practice for Violation. Amend RSA 358-A:2, XI and XII to read as follows:

XI. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions; [or]

XII. Conducting going out of business sales other than the name implies, or which last more than 60 days, or which are held more than once every 2 years by the same owner of the business[.]; *or*

*XIII. Failing to store personal property of a tenant as provided in RSA 540:14-a.*

3 Effective Date. This act shall take effect January 1, 1992.

**AMENDED ANALYSIS**

This bill provides that a landlord is only responsible for the personal property of a tenant who has been evicted or who has vacated the premises for 45 days after such eviction or vacating.

Adopted.

Report adopted.

Ordered to third reading.

**HB 629-FN**, establishing a task force on congregate housing. **OUGHT TO PASS WITH AMENDMENT.**

This bill is necessary to establish an instrument to allow the state to take advantage of federal monies for congregate housing. Vote 12-1. Rep. Scott E. Green for State Institutions and Housing.

**Amendment**

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. There is established a task force to develop a strategy to allow New Hampshire citizens to benefit from the congregate provision of the Cranston-Gonzalez National Affordable Housing Act. The task force shall be composed by the following members:

(a) Two members of the house of representatives, one of whom shall be a member of the house state institutions and housing committee, appointed by the speaker of the house.

(b) Two members of the senate or designees, appointed by the president of the senate.



(c) The director, division of elderly and adult services, department of health and human services, or designee.

(d) The executive director, or designee, of the Manchester Housing Authority.

(e) Three members of the New Hampshire Association of Housing Authorities, appointed by the chairperson of such association.

(f) The regional director of the Farmers Home Administration or designee.

(g) The executive director of the New Hampshire housing finance authority or designee.

Adopted.

Report adopted.

Ordered to third reading.

**HB 242-FN**, relative to the powers of county conventions. **OUGHT TO PASS WITH AMENDMENT.**

Some powers of the county convention are more clearly defined. The bill amends RSA 23:7 to define county officers' compensation. RSA 24:14-a is amended to allow the county convention to initiate supplemental appropriations. RSA 28:3-a is a new section setting the rules for an annual audit. The amendment eliminates concerns expressed by county commissioners. Vote 17-0. Rep. Kenneth L. Weyler for Municipal and County Government.

#### **Amendment**

Amend the bill by deleting section 2 and renumbering sections 3-5 to read as 2, 3, 4, respectively.

#### **AMENDED ANALYSIS**

This bill:

(1) Expands the current definition of compensation of county officers to include bonuses, longevity pay, vacation pay and similar forms of compensation.

(2) Redefines responsibility for certain acts relating to county supplemental appropriations.

(3) Requires the county commissioners to annually have an audit conducted of the county books.

Adopted.

Report adopted.

Ordered to third reading.

#### **RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 19, 1991 at 10:00 a.m.

Adopted.

#### **LATE SESSION**

##### **Third reading and final passage**

**HB 136-FN**, relative to current use assessments and the land use change tax.

**HB 250-FN**, relative to the board of nursing.

**HB 245**, prohibiting pre-season baiting.

**HCR 10**, requesting Congress to propose an amendment to the United States Constitution prohibiting unfunded federal mandates.

**HB 286-FN**, relative to the operation of powerboats on Long Pond in the town of Northwood.

**HB 620-FN**, relative to the transportation of alcohol in open containers.

**HB 289-FN**, relative to regulating commercial salt water fishing.

**HB 559-FN**, relative to commercial and recreational fisheries.

**HB 617-FN**, relative to fishing permits for certain head-injured persons.

**HB 256**, limiting liability of any person, firm or corporation which donates equipment or services to any postsecondary technical training program.

**HB 274-FN**, relative to sentencing to county correctional facilities.

**HB 278-FN**, relative to liability and indemnification of regional planning commissions.

**HB 356-FN**, relative to uniform penalties pertaining to farm products.

**HB 407**, relative to failure to report injuries resulting from criminal acts.

**HB 450**, relative to claims to dower and curtesy.

**HB 452-FN**, relative to solicitation of prostitutes.

**HB 481-FN**, allowing nursing home administrators to file for disposition of a deceased individual's estate.

**HB 486-FN**, relative to collection of forfeitures of recognizances by the division of motor vehicles.

**HB 656-FN**, relative to criminal mischief.

**HB 707-FN**, relative to contracts for services other than counsel.

**HB 715-FN**, relative to the right to jury trial in civil cases.

**HB 259**, permitting a municipal governing body to assign street numbers.

**HB 292-FN**, relative to the real estate tax lien process.

**HB 672-FN**, relative to standards for fire safety for community living facilities.

**HB 111**, relative to protective well radii.

**HB 458**, relative to the composition of the wetlands board.

**HB 659-FN**, relative to legal representation in eviction proceedings.

**HB 373-FN**, relative to agricultural and farm motor vehicle license plates.

**HB 555**, limiting horsepower on Big Pea Porridge Pond.

**HB 139-FN**, relative to fair credit billing.

**HB 456-FN**, prohibiting bear baiting.

**HB 684-FN-A**, regarding the committee to study conservation and preservation of state historic flags and making an appropriation therefor.

**HB 241**, relative to the age requirement for retirement communities.

**HB 581**, relative to personal property of tenants.

**HB 629-FN**, establishing a task force on congregate housing.

**HB 242-FN**, relative to the powers of county conventions.

Rep. Channing Brown moved that the House stand in recess for the purpose of introduction of bills and Enrolled Bills reports only.

Adopted.

The House recessed at 4:40 p.m.

RECESS

(Rep. William F. McCain in the Chair)

**RESOLUTION**

Their introduction having been approved by the Rules Committee; Rep. Krueger offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 25, 26 and 800 and House Concurrent Resolution numbered 12, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS, and HCR**

**First, second reading and referral**

**HB 25-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993. (Hager of Merrimack Dist. 21 - To Appropriations)

**HB 26-A**, relative to state revenues and expenditures for fiscal years 1992 and 1993. (Hager of Merrimack Dist. 21 - To Appropriations)

**HB 800-FN-A**, relative to the general revenues of the state. (Sytek of Rockingham Dist. 20 - To Ways and Means)

**HCR 12**, concerning the use of automatic dialing devices for telephone solicitation purposes. (Rosen of Belknap Dist. 9 - To Science, Technology and Energy)

**RECESS**

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No.12**

Tuesday, March 19, 1991

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairisto.

Almighty God, we thank You for bringing us through another week and into this new day with all its opportunities and challenges. Grant, we pray, that each member gathered here may speak with clarity to be understood, listen with patience to understand, and vote with care and wisdom, that the legislation passed here today may be the very best possible for all of New Hampshire's citizens. Amen.

Rep. Reidy led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Ackerman, Feuerstein, Romeo Jean, Swope, Parr, Hurst, David Flanders, Lozeau, Anderson, Pelley, Hickey and Stacey Cole, the day, illness.

Reps. Mayhew, Drake, John Young, Wall, Jelley, Donald Messier, Connell, Cain, William McCann, Jr., Steiner, Ralph Torr, Martling and David Young (military service), the day important business.

Rep. Bernard, the day, death in the family.

Reps. Golden, Carter and Hambrick, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Tracey E. and G. Peter Cowenhoven, daughter and son of Rep. Cowenhoven, Kenneth and Robert Fuld, husband and father-in-law of Rep. Amanda Merrill, Mrs. Niels Nielsen, David and Tom Nielsen, wife, son and grandson of Rep. Nielsen.

**SPECIAL ORDER**

Rep. Gross moved that the Consent Calendar be made a Special Order for 11:00 a.m., March 19 and spoke to her motion.

Adopted.

**COMMITTEE REPORTS****REGULAR CALENDAR**

**CACR 10**, relating to making the position of attorney general an elected position. Providing that the attorney general be elected for a term coterminous with that of the governor; and vacancies in the office of attorney general be filled by an interim successor appointed by the governor and council. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

**MAJORITY:** The majority of the Committee is opposed to making the position of Attorney General an elected one. If the position becomes an elected one, the office would be subject to a set of influences from political contributors that might jeopardize the impartiality and professionalism that exist under the present system. Currently, the Attorney General is appointed by the Governor and Council. The present system works well and this CACR would open up the question of electing other officials including the Secretary of State and State Treasurer. Vote 9-3. Rep. Calvin Warburton for Constitutional and Statutory Revision.

**MINORITY:** The State of New Hampshire has a grand democratic tradition. Its large volunteer Legislature represents a political commitment to the public which no other state can match. The voters should now be given the opportunity to decide



whether their Attorney General is elected or appointed. This resolution does not make the Attorney General's position elected, it gives the voters the choice. Forty-three states elect their Attorney General. Only a small number continue the practice of appointing their Attorney General. The minority of the Committee feels it is increasingly difficult for an appointed Attorney General to be directly accountable to the people, ahead of the demands of the Governor who appointed him/her. It is time we make it clear that the Attorney General is the people's lawyer, not just the Governor's political appointment. Reps. Charles J. Leclerc, H. Thayer Kingsbury and Gary R. Gilmore for the Minority of Constitutional and Statutory Revision.

Rep. Spear moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate..

Rep. Burling spoke in favor.

Rep. Holden spoke against.

On a division vote, 110 members having voted in the affirmative and 196 in the negative, the motion lost.

Report adopted.

Reps. John Flanders and Warburton notified the Clerk that they wished to be recorded in opposition to the substitute motion

Rep. Hoar notified the Clerk that he wished to be recorded in favor of CACR 10.

**HB 612-FN**, relative to relaying information on budgetary matters to parents of school children. **INEXPEDIENT TO LEGISLATE.**

This bill is intended to solve a problem that can best be worked out by the municipality involved. Each town or city should have a policy on children taking home notes that meets that community's needs, and each school a policy on notices to be taken home to parents. Vote 15-5. Rep. Robert M. Gilbreth for Education.

Rep. Domaingue spoke in favor and yielded to questions.

Adopted.

### **SPECIAL ORDER**

Rep. Donna Sytek moved that HB 114-FN, relative to the date for terminating the motor vehicle emissions inspection program, be made a Special Order for 1:30 p.m.

Adopted.

### **REGULAR CALENDAR (continued)**

**HB 549-FN**, relative to early retirement for group I members of the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

State employee members of the Retirement System, Group I, may elect early retirement provided they are age 55 and have at least 25 years service with the state. The bill requires that employees must elect this option within 90 days following an executive order or legislative action terminating the employment of Group I employees. This act will automatically terminate June 30, 1993. Vote 12-3. Rep. Merton S. Dyer for Executive Departments and Administration.

### **Amendment**

Amend the title of the bill by replacing it with the following:

### **AN ACT**

relative to early retirement for state employee  
group I members of the retirement system.

Amend the bill by replacing all after the enacting clause with the following:

**I Early Retirement for State Employee Group I Members.**

I. The provisions of this act shall apply for a period beginning on July 1, 1991, and ending on June 30, 1993. The provisions of this act shall apply notwithstanding any provision of RSA 100-A:5, I(c) or any other provision of law to the contrary. The provisions of this act shall apply whenever, by executive order or legislative action, state economic conditions require terminating the employment of state employees who are members of group I of the New Hampshire retirement system. The provisions of this act shall be effective for a period of 90 days following the date on which the executive order is made or the legislative action is taken.

II. Whenever the provisions of paragraph I become applicable, any state employee who is a member of group I who meets the requirements of RSA 100-A:10, I(a), and who has attained the age of 55, but not the age of 60, and who has at least 25 years of creditable service, may elect to retire and have benefits commence immediately as an early service retirement allowance, upon written application to the board of trustees in which application the member shall state the time he desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b).

**2 Effective Date.** This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill provides that whenever, by executive order or legislative action, state economic conditions require terminating the employment of state employees who are group I members, any such group I member who meets certain retirement requirements and who has attained the age of 55, but not the age of 60, and who has at least 25 years of creditable service, may elect to retire and have benefits commence immediately as an early service retirement allowance upon written application to the board of trustees during a period of 90 days following the executive order or legislative action.

The provisions of the bill apply for a period beginning on July 1, 1991, and ending on June 30, 1993.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 526-FN**, authorizing sentencing to extended terms of imprisonment by district court justices. RE-REFER TO COMMITTEE.

Although the sponsor has yet to have a chance to address the Committee it will allow him the opportunity during the re-referral period. There is an ad hoc committee looking at issues such as the bill presents. The subject matter needs to be addressed, but must be done carefully. Current time does not allow for this now. Vote 18-0. Rep. Donnalee M. Lozeau for Judiciary.

Re-referred to Committee.

**HB 169-FN**, relative to the disposition of revenues collected under the land use change tax. OUGHT TO PASS WITH AMENDMENT.

This bill originated through a problem Litchfield had in experiencing a large wind-fall revenue when a parcel of land came out of current use. In the past the Department of Revenue Administration has had total control over how this money was spent, but upon passage of HB 169, all towns, cities, and communities could use funds within

established limits. This is a major policy change and will allow tax rates to be more uniform in the future. Vote 16-0. Rep. Fredrik Peyron for Municipal and County Government.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Land Use Change Tax Fund. Amend RSA 79-A by inserting after section 25 the following new sections:

79-A:25-a Land Use Change Tax Fund.

I. Towns and cities may, pursuant to RSA 79-A:25-b, vote to place all revenues collected pursuant to this chapter in a land use change tax fund separate from the general fund. Except as provided in paragraph II, any surplus in such fund shall not be deemed part of the general fund accumulated surplus nor shall any surplus be expended for any purpose or transferred to any appropriation until such time as the legislative body votes to appropriate a specific amount of money from said fund for any purpose not prohibited by the laws or by the constitution of this state. Such an appropriation from the land use change tax fund may only be made at an annual meeting.

II. No land use change tax revenue collected under this chapter shall be recognized as general fund revenue for the fiscal year in which it is received, and in order to avoid accumulation of the fund balance any unappropriated amount remaining in the land use change tax fund at the conclusion of the fiscal year following the fiscal year in which the land use change tax revenue is received shall be recognized as general fund revenue in the following year.

III. Any land use change tax revenue collected pursuant to this chapter which is to be placed in a conservation fund in accordance with RSA 79-A:25. II, shall first be accounted for as revenue to the land use change tax fund before being transferred to the conservation fund at the time of collection.

79-A:25-b Procedure for Adoption.

I. Any town may adopt the provisions of RSA 79-A:25-a to place all revenues received pursuant to this chapter in a land use change tax fund separate from the general fund in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting by the selectmen, or by petition under RSA 39:3, and shall be voted on by ballot. The question shall not be placed on the official ballot.

(b) The selectmen shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be: "Shall we adopt the provisions of RSA 79-A:25-a to account for revenues received from the land use change tax in a fund separate from the general fund? Any surplus in said fund shall not be deemed part of the general fund accumulated surplus until the end of the fiscal year following receipt of the revenue, and until then shall be expended only after a vote of the legislative body to appropriate a specific amount from said fund for some lawful purpose."

II. If a majority of those voting on the question vote "Yes", RSA 79-A:25-a shall apply within the town in the tax year beginning on April following the vote.

III. If the question is not approved, the question may later be voted on according to the provisions of RSA 79-A:25-b, I.

IV.(a) Any town which has adopted RSA 79-A:25-a may consider rescinding its action in the manner prescribed in RSA-79-A:25-b, I(a) and (b). The wording of the question shall be the same as set out in RSA 79-A:25-b, I(c), except the word "adopt" shall be changed to "rescind."

(b) If a majority of those voting on the question vote "Yes", RSA 79-A:25-a shall not apply within the town. Any act to rescind the provisions of RSA 79-A:25-a shall not take effect before the tax year beginning April 1 following the vote.

V. The legislative body of any city may adopt the provisions of RSA 79-A:25-a in the same manner in which it adopts ordinances or by-laws, and may rescind its action in like manner.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows a town or city to vote to place all the revenues collected under the land use change tax in a land use change tax fund. Revenue in the fund is separate from the town or city general fund, and the legislative body must vote to appropriate a specific amount of money from the land use change tax fund. The bill still permits revenues collected under the land use change tax to be placed in a conservation fund.

Adopted.

Report adopted.

Ordered to third reading.

**HB 305-FN**, relative to the meaning of the term "charitable" for purposes of real estate tax exemptions. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, solves a current problem for local assessing officials. The bill makes it clear that being non-profit by Internal Revenue Standards is not, in and of itself, reason to be considered charitable for property tax purposes. Vote 13-2, Rep. Karen O. Wadsworth for Municipal and County Government.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Meaning of Term "Charitable" for Purposes of Property Tax Exemption. Amend RSA 72:23 by inserting after paragraph VI the following new paragraph:

VII. For the purposes of this section, the term "charitable" shall have the meaning set forth in RSA 72:23-I.

2 Tax Exemption for Charitable Nonprofit Housing Projects. Amend the section heading of RSA 72:23-k to read as follows:

72:23-k **Charitable**, Nonprofit Housing Projects.

3 Property Tax Exemption Limited to Charitable Nonprofit Housing Projects. Amend RSA 72:23-k, I to read as follows:

I. The real estate and personal property of **charitable**, nonprofit community housing and community health care facilities for elderly and disabled persons, if none of the income or profits is used for any purpose other than community housing or community health care, shall be exempt from taxation. This exemption shall apply to housing and health care facilities situated within New Hampshire which are sponsored or owned by nonprofit, charitable corporations or organizations, located within or outside of the state, and to projects organized, operated, or assisted under state law or pursuant to rules and regulations of the United States Department of Housing and



Urban Development, the United States Department of Health and Human Services, or any successor agency. For the purposes of this section an elderly person is one who is 62 years or more of age. The age of the head of the family determines the eligibility of the family unit in the project. *For the purposes of this section, the term, "charitable" shall have the meaning set forth in RSA 72:23-l.*

4 New Section; Definition of Term "Charitable." Amend RSA 72 by inserting after section 23-k the following new section:

72:23-l Definition of Charitable. The term "charitable" as used to describe a corporation, society or other organization within the scope of this chapter, including RSA 72:23 and 72:23-k, shall mean a corporation, society or organization established and administered for the purpose of performing, and obligated, by its charter or otherwise, to perform some service of public good or welfare for the benefit of the general public, or a substantial and indefinite segment of the general public, with no pecuniary profit or benefit to its officers or members, or any restrictions which confine its benefits or services to such officers or members, or those of any related organization. The fact that an organization's activities are not conducted for profit shall not in itself be sufficient to render the organization "charitable" for purposes of this chapter, nor shall the organization's treatment under the United States Internal Revenue Code of 1986, as amended. This section is not intended to abrogate the meaning of "charitable" under the common law of New Hampshire.

5 Effective Date. This act shall take effect April 1, 1992.

#### AMENDED ANALYSIS

This bill defines the term "charitable" for purposes of determining whether the real estate and personal property of an organization shall be exempt from taxation.

The bill also amends the tax exemption for nonprofit housing projects to clarify that it refers only to nonprofit housing projects which are also charitable.

Rep. Wadsworth yielded to questions.

Adopted.

Report adopted.

Ordered to third reading.

Rep. Ann Torr moved that the question by Rep. Ann Torr and the answer by Rep. Wadsworth be printed in the permanent Journal.

Adopted.

Rep. Torr: Does this legislation adversely affect any of our New Hampshire nonprofit hospitals?

Rep. Wadsworth: It was not the intent of the Committee to alter the tax-exempt status of not-for-profit community hospitals. The amendment to the bill recognizes that these hospitals and some other organizations have their charitable purpose spelled out in a mission statement or statement of purpose in bylaws, rather than in their charters. Your hospital's status should not be affected.

**HB 386.** relative to a representative town meeting form of government. OUGHT TO PASS.

House Bill 386 adds another method of town government. There has been a law allowing this form of government in the past. It was removed from the statutes for no apparent reason. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

Adopted.

Ordered to third reading.

**HB 391**, to permit the adoption of impact fees as part of a zoning ordinance.  
**OUGHT TO PASS.**

This bill authorizes a municipality to adopt an impact fee ordinance as part of its local zoning ordinance. Recent Supreme Court decisions have affirmed the right of cities and towns to assess fair and equitable impact fees for capital improvements which are necessitated by new development. The House has consistently supported such legislation. As in the past, the overwhelming majority of testimony on this bill was favorable. Vote 16-1. Rep. Karen O. Wadsworth for Municipal and County Government.

Rep. Baroody spoke against.

Rep. Wadsworth spoke in favor.

Rep. Grodin spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being on the adoption of the Committee report.

### YEAS 280

Accornero, Harry  
 Dewhirst, Glenn E.  
 Johnson, Carl R.  
 Rice, Thomas E. P., Jr.  
 Turner, Robert H.

Beach, Mildred A.  
 Dickinson, Howard C.  
 Saunders, Howard N.

Burnham, Daniel M.  
 Crutchley, Donald O.  
 Feuer, Joseph N.  
 Hogan, James B.  
 Kingsbury, H. Thayer  
 Lynch, Margaret A.  
 Pearson, Gertrude B.  
 Riley, William A.

Brungot, Catherine V.  
 Hawkinson, Marie C.  
 Nelson, Harold D.

Adams, Carl S.  
 Brown, Channing T.  
 Copenhaver, Marion L.  
 Guest, Robert H.  
 Lougee, Richard W.

**YEAS 280**  
**BELKNAP**  
 Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Joscelyn, William W.  
 Rosen, Ralph J.  
 Vogler, Charles C.

**CARROLL**  
 Bradley, Jeb E.  
 Dodge, A. Gibb, Jr.  
 Wiggin, Gordon E.

**CHESHIRE**  
 Champagne, Richard L.  
 DePecol, Benjamin J.  
 Foster, Katherine D.  
 Hunt, John B.  
 LaMar, David M.  
 Metzger, Katherine H.  
 Perry, David M.  
 Sawyer, Alfred P.

**COOS**  
 Coulombe, Henry W.  
 Horton, Lynn C.  
 Oliver, Terry D.

**GRAFTON**  
 Arnesen, Deborah L.  
 Brown, Patricia B.  
 Dow, David  
 Hill, Richard L.  
 McIlwaine, Deborah P.

### NAYS 51

Campbell, Richard H., Jr.  
 Holbrook, Robert G.  
 Maviglio, Steven R.  
 Salatiello, Thomas B.  
 Ziegra, Alice S.

Daly, Robert J., Jr.  
 Foster, Robert W.

Clark, Eugene W.  
 Doucette, Richard F.  
 Grodin, Richard A.  
 Kennison, Wayne A.  
 Laurent, John J.  
 Morse, Jo Ann T.  
 Pratt, Irene A.  
 Spear, Susan S.

Guay, Lawrence J.  
 Kilbride, Dennis J.  
 Pratt, Leighton C.

Bean, Pamela B.  
 Chambers, Mary P.  
 Driscoll, William J.  
 Larson, Nils H., Jr.  
 Nielsen, Niels F., Jr.

Nordgren, Sharon L.  
 Teschner, Douglass P.  
 Ward, Kathleen W.

Scanlan, David M.  
 Trelfa, Richard T.  
 Whitcomb, Henry F., Jr.

Stewart, Roger D.  
 Wadsworth, Karen O.

### HILLSBOROUGH

Ahrens, Frederick G.  
 Andrews, Frederick B.  
 Bowers, Dorothy C.  
 Chasse, Richard D.  
 Cote, David E.  
 Daigle, Robert A.  
 Domaingue, Jacquelyn M.  
 Durham, Susan B.  
 Fenton, James J.  
 Ford, Nancy M.  
 Gagnon, Gabrielle V.  
 Haettenschwiller, Alphonse  
 Holden, Carol H.  
 Johnson, Lionel W.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Packard, Bonnie B.  
 Perham, Lester R.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 White, John M.

Alukonis, David J.  
 Arnold, Barbara E.  
 Buckley, Raymond  
 Clemons, Jane A.  
 Cowenhoven, Garret P.  
 Desrochers, Gerard T.  
 Donovan, Francis X.  
 Dyer, Merton S.  
 Ferguson, Charles  
 Gage, Ruth E.  
 Green, Scott E.  
 Hall, Betty B.  
 Hultgren, David D.  
 Keane, Cornelius J.  
 Kurk, Neal M.  
 Laroche, Roger B.  
 Martin, Mary Ellen  
 McDowell, James E.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Paquette, Rodolphe G.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Searles, Stanley N., Sr.  
 Tarpley, Nancy L.  
 Vanderlosk, Stanley R.  
 Wright, George W.

Amidon, Eleanor H.  
 Baldizar, Barbara J.  
 Burke, Stephen J.  
 Cook, Valerie S.  
 Crotty, Edward J.  
 Desrosiers, William J.  
 Drolet, Paul L.  
 Elliott, Larry G.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Greenglass, Alan B.  
 Hanselman, Gregory L.  
 Jasper, Shawn N.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lawrence, Eva M.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Ouellette, Robert O.  
 Pepino, Leo P.  
 Pignatelli, Debora B.  
 Riley, Frances L.  
 Smith, Leonard A.  
 Tate, Joan C.  
 Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
 Boucher, Laurent J.  
 Chandler, John P.  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Jacobson, Alf E.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Nichols, Avis B.  
 Stapleton, Henry F.  
 Trombly, Rick A.  
 Yeaton, Charles B.

Asplund, Bronwyn L.  
 Braiterman, Thea  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Letourneau, George E.  
 Millard, Elizabeth S.  
 Smith, Gerald R.  
 Stio, Peter M.  
 Wallner, Mary Jane

Barberia, Richard A.  
 Chandler, Earle W.  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, Joyce M.  
 Lewis, Mary Ann  
 Molner, Mary E.  
 Soldati, Jennifer G.  
 Teague, Bert  
 Weeks, John F., Jr.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Caswell, Albert, Jr.  
 Clark, Martha Fuller  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Rosencrantz, James R.  
 Schmidtchen, Rowland H.  
 Smith, Arthur W.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Woods, Deborah L.

Benton, Richardson D.  
 Christie, Andrew, Jr.  
 Coffey, John J.  
 Cote, Patricia L.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Griebisch, Linda  
 Johnson, Robert A.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 McKinney, Betsy  
 Rubin, George R.  
 Senter, Marilyn P.  
 Splaine, John E., Sr.  
 Sytek, John J.  
 Vaughn, Charles L.

Boucher, William P.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Hoelzel, Kathleen M.  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Weyler, Kenneth L.

**STRAFFORD**

Appleby, James E.  
 Corte, Arthur B.  
 Gilmore, Gary R.  
 Merrill, Amanda A.  
 O'Brien, John  
 Tsiros, William

Bickford, Drucilla  
 Douglass, Clyde J.  
 Kinney, Paula J.  
 Musler, George T.  
 Spencer, Leo J.  
 Vincent, Francis C.

Brown, Julie M.  
 Frechette, Roland A.  
 Martling, W. Kent  
 Nehring, William H.  
 Torr, Ann M.  
 Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
 Domini, Irene C.  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Tetu, Michael A.

Behrens, Thomas A.  
 Flint, Gordon B.  
 Lindblade, Eric N.  
 Schotanus, Merle W.  
 Walsh, Robert R.

Burling, Peter Hoe  
 Harland, Jane A.  
 Middleton, John A.  
 Stamatakis, Carol M.

**NAYS 51  
BELKNAP**

Zaharchuk, Peter J., Jr.

**CARROLL**

Chandler, Gene G.

Wiggin, Allen R.

**COOS**

Buckley, C. Fitzgerald

Merrill, Gerald P.

**GRAFTON**

Christy, C. Dana  
 White, Paul R.

LaMott, Paul I.

Shackett, Ralph E.

**HILLSBOROUGH**

Baker, George H., Sr.  
 Daniels, Gary L.  
 Dwyer, Patricia R.  
 Gosselin, Gerald O.

Baroody, Benjamin C.  
 Dodge, Emma M.  
 Emerton, Lawrence A.  
 Goulet, Maurice E.

Calawa, Leon, Jr.  
 Drabinowicz, A. Theresa  
 Fields, Dennis H.  
 Gureckis, Adam C., Sr.



Healy, Walter F.  
Lawrence, Norman B.  
Nardi, Theodora P.  
Rothhaus, Finlay C.  
Wheeler, David K.

King, Frank P.  
Leclerc, Charles J.  
O'Rourke, Joanne A.  
Soucy, Donna M.

Laughlin, J. Francis  
Lefebvre, Roland J.  
Reidy, Frank J.  
Upton, Barbara A.

### MERRIMACK

Whittemore, James A.

### ROCKINGHAM

Bell, Juanita L.  
Dube, LeRoy S.  
Packard, Sherman A.  
Roulston, Donald L.  
Welch, David A.

Brown, Jeffrey M.  
Gage, Beverly A.  
Palazzo, Frank J.  
Simon, Peter M.

Campbell, Marilyn R.  
Hutchinson, Karen K.  
Pantelakos, Laura C.  
Thayer, Leroy C.

### STRAFFORD

Hashem, Elaine M.

Kincaid, William K.

Parks, Joe B.

### SULLIVAN

None

and the bill was ordered to third reading.

Reps. Hambrick and Hoar notified the Clerk that they wished to be recorded in favor.

Rep. Hawkins notified the Clerk that he inadvertently voted yea and wanted to abstain under Rule 16.

**HB 561**, enabling towns to limit reconsideration of town meeting votes. OUGHT TO PASS.

This bill permits the voters at town meeting to limit reconsiderations in order to provide that those who may not be present for the full meeting can be assured that reconsideration will not occur unless all are given an opportunity to participate. Vote 13-0. Rep. Paul A. Golden for Municipal and County Government.

Rep. Grodin yielded to questions.

Adopted.

Ordered to third reading.

### SPECIAL ORDERS

The hour being 11:00 a.m., the Speaker called for the Consent Calendar.

### CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 303**, relative to instructions to voters on ballots, was removed at the request of Rep. Flanagan.

**HB 760**, requiring state universities and colleges to sell condoms on campus, was removed at the request of Rep. DePecol.

**HB 611-FN**, relative to plastic holding devices used in packaging, was removed at the request of Rep. Leonard Smith.

**HB 318-FN**, relative to town expenditures, was removed at the request of Rep. Ferguson.

**HB 759-FN**, relative to setting tax rates in municipalities based on the gross income of the residents, was removed at the request of Rep. Jacobson.

**HB 631**, relative to dimensions of front and rear motor vehicle bumpers, was removed at the request of Rep. Doucette  
Consent calendar adopted.

**HB 396**, relative to filing reports in court proceedings involving children. **OUGHT TO PASS WITH AMENDMENT.**

This bill requires that all reports, evaluations and other records from the Division for Children and Youth Services, counselors and guardians ad litem in proceedings involving delinquent children, child abuse and neglect, and children in need of services be filed with the court and all other parties at least five days prior to a hearing. Failure to comply with the filing requirements is not grounds for dismissal of the petition. Vote 15-0. Rep. Josephine Mayhew for Children, Youth and Juvenile Justice.

#### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Filing Reports. Amend RSA 169-B by inserting after section 5 the following new section:

169-B:5-a Filing Reports, Evaluations, and other Records. All reports, evaluations and other records from the division for children and youth services, counselors, and guardians ad litem in proceedings under this chapter shall be filed with the court and all other parties at least 5 days prior to any hearing. Once filed with the court and given to all other parties, the report, evaluation or other record need not be refiled during the proceeding. Failure to comply with the provisions of this section shall not be grounds for dismissal of the petition.

2 New Section; Filing Reports. Amend RSA 169-C by inserting after section 12-a the following new section:

169-C:12-b Filing Reports, Evaluations, and other Records. All reports, evaluations and other records from the division for children and youth services, counselors, and guardians ad litem in proceedings under this chapter shall be filed with the court and all other parties at least 5 days prior to any hearing. Once filed with the court and given to all other parties, the report, evaluation or other record need not be refiled during the proceeding. Failure to comply with the provisions of this section shall not be grounds for dismissal of the petition.

3 New Section; Filing Reports. Amend RSA 169-D by inserting after section 4 the following new section:

169-D:4-a Filing Reports, Evaluations, and other Records. All reports, evaluations and other records from the division for children and youth services, counselors, and guardians ad litem in proceedings under this chapter shall be filed with the court and all other parties at least 5 days prior to any hearing. Once filed with the court and given to all other parties, the report, evaluation or other record need not be refiled during the proceeding. Failure to comply with the provisions of this section shall not be grounds for dismissal of the petition.

4 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill requires that all reports, evaluations and other records from the division for children and youth services, counselors and guardians ad litem in proceedings involving delinquent children, child abuse and neglect, and children in need of services be filed with the court and all other parties at least 5 days prior to a hearing. Failure to comply with the filing requirements is not grounds for dismissal of the petition.

**HB 406**, relative to modification of support orders. OUGHT TO PASS WITH AMENDMENT.

It is the intent of HB 406, as amended, to resolve inequities in child support orders for those parties who were divorced prior to the passage of child support guidelines in 1988. It calls for an effective date of 60 days after passage. Vote 15-0. Rep. Deborah L. Woods for Children, Youth and Juvenile Justice.

#### Amendment

Amend RSA 458:32-a as inserted by section 1 of the bill by replacing it with the following:

458:32-a Modification of Support Orders.

I. Upon petition by either party, the court shall, without the need to show a substantial change of circumstances, modify any support order issued prior to the effective date of RSA 458-C, and apply the support guidelines of RSA 458-C.

II. Upon petition by either party the court may modify or revise a support order issued after the effective date of RSA 458-C if there has been a substantial change in circumstances which warrants modification.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 461-FN**, relative to notice for out of district placement by the court. OUGHT TO PASS.

The Department of Education has indicated that this bill will enable the Department to more accurately estimate its liability for court ordered placements for educationally handicapped children. The Administrative Office of the Courts indicated that this bill would merely require the court to notify the Department of Education for certain out of district placements. Vote 15-0. Rep. Josephine Mayhew for Children, Youth and Juvenile Justice.

**HB 567**, relative to step-parent's visitation rights. OUGHT TO PASS WITH AMENDMENT.

The Committee believes that parties to divorces ought to be awarded visitation privileges with their stepchildren, when it is in the best interest of the children. The bill also makes clear that there is no intent to prohibit an award of custody to step-parents or grandparents when in the best interest of the child. Vote 14-0. Rep. David R. Connell for Children, Youth and Juvenile Justice.

#### Amendment

Amend RSA 458:17, VI as inserted by section 1 of the bill by replacing it with the following:

VI. In making any order relative to such custody, the court shall not give any preference to either parent of the children because of the parent's sex. The court may take into consideration any preference shown by said children. If the court determines that it is in the best interest and welfare of the children, it shall in its decree grant reasonable visitation privileges *to a party who is a step-parent of the children or to the grandparents of the children pursuant to RSA 458:17-d. Nothing in this paragraph shall be construed to prohibit an award of custody to a step-parent or grandparent if the court determines that such an award is in the best interest of the child.*

**HB 283-FN**, establishing a legislative oversight committee on banking. **OUGHT TO PASS WITH AMENDMENT.**

The Legislature finds that there is a need to spend time examining the issues relating to banking and financial institutions in New Hampshire, and develop in an organized and thoughtful manner, legislation to address banking and financial institution issues as they arise during the next year. The Committee of three Representatives and three Senators will study: a.) changes at the federal level that require changes to New Hampshire law; b.) availability of credit to businesses in New Hampshire and impact on economic development in New Hampshire; and c.) impact on municipalities of banking problems in New Hampshire. Vote 17-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a study committee on the problems of  
New Hampshire banks and financial institutions.

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Purpose and Intent.**

I. The legislature finds that there is a need to examine the issues relating to banking and financial institutions in New Hampshire.

II. The legislature further finds that there is a need to develop, in an organized and thoughtful manner, legislation to address banking and financial institution issues as they arise during the next year.

2 Committee Established. There is hereby established a committee to study the problems of New Hampshire banks and financial institutions. The committee shall consist of the following:

I. Three members of the senate banks committee appointed by the chairman.

II. Three members of the house commerce, small business and consumer affairs committee, appointed by the chairman.

3 Meetings. Appointments to the committee shall be made within 30 days of the effective date of this act. The committee shall hold its first meeting within 60 days of the effective date of this act, at which time the committee shall select a chairman from among its members.

4 Duties. The committee shall study issues facing New Hampshire's banks and financial institutions and make recommendations regarding any changes needed to existing state law. Areas to study include but are not limited to the following:

I. Changes at the federal level that require changes to New Hampshire law.

II. Availability of credit to businesses in New Hampshire and impact on economic development in New Hampshire.

III. Impact on municipalities of banking problems in New Hampshire.

5 Report. The committee shall make a report to the president of the senate, the speaker of the house, the chairperson of the senate banks committee, the chairperson of the house commerce, small business and consumer affairs committee, and the governor, including proposed legislation, no later than November 1, 1991.

6 Effective Date. This act shall take effect upon its passage.



## AMENDED ANALYSIS

This bill establishes a committee of legislators to study the problems facing New Hampshire banks and financial institutions.

**HB 307-FN**, establishing a committee to review New Hampshire's bankruptcy laws. **OUGHT TO PASS WITH AMENDMENT.**

This bill establishes a committee to review New Hampshire's bankruptcy laws. The amendment changes membership to three House members and three Senate members. The statute section dealing with goods and property exemptions was last changed early this century and needs revisions. Clearly, this statute needs to be worked on and revised. Vote 18-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

**Amendment**

Amend the bill by replacing section 1 with the following:

I Study Committee on Bankruptcy Laws Established. There is hereby established a committee to review the New Hampshire bankruptcy laws. The committee members shall consist of the following members:

I. Three members of the house commerce, small business and consumer affairs committee, appointed by the chairperson.

II. Three members of the senate banks committee, appointed by the chairperson.

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. The committee shall report its findings and recommendations to the governor and his council, the senate president, and the speaker of the house on or before November 1, 1991.

## AMENDED ANALYSIS

This bill establishes a committee to review New Hampshire's bankruptcy laws. The committee shall report its findings and recommendations to the governor and council, the senate president and the speaker of the house on or before November 1, 1991.

**HB 309**, extending time limits within which condominium projects can be completed. **INEXPEDIENT TO LEGISLATE.**

This bill and language were used by the Senate as SB 143 and thus is not needed. Vote 18-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

**HB 311-FN**, establishing an exemption from registration for securities listed on the National Association of Securities Dealers Automated Quotation National Market System or the Chicago Board Options Exchange. **OUGHT TO PASS WITH AMENDMENT.**

This bill integrates the Office of Security Regulation's policy regarding the National Association of Securities Dealers Automated Quotation National Market System so that it will be in line with 40 other states. It improves efficiency of regulation while maintaining safety to the public. Vote 18-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

confirming an exemption from registration for securities listed  
on the National Association of Securities Dealers  
Automated Quotation National Market System.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The legislature after deliberation finds that the National Association of Securities Dealers Automated Quotation National Market System (NASDAQ/NMS) listed securities are already exempt from registration pursuant to RSA 421-B:17, I(f), and confirms their exempt status while according the NASDAQ/NMS the express recognition accorded to certain exchanges now named in RSA 421-B:17, I(f), thereby making explicit what the legislature after deliberation finds to have been implicit in the statute.

2 Securities; Exemption from Registration. Amend RSA 421-B:17, I(f) to read as follows:

(f) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Boston Stock Exchange, *the National Association of Securities Dealers Automated Quotation National Market System*, or the securities designated by the board of governors of the Federal Reserve system as "O.T.C. Margin Stocks," *if, in each case, quotations have been available and public trading has taken place for such class of security prior to the offer or sale of that security in reliance upon this exemption*; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the securities listed in this subparagraph; *provided that the director may withdraw this exemption if the director determines, with respect to any security or class of securities sought to be sold in reliance upon this exemption, that the listing requirements or standards have been so changed, or so insufficiently applied, that the protection of investors contemplated and relied upon by the legislature in granting this exemption is no longer afforded, or is substantially reduced.*

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill explicitly exempts from registration securities listed on the National Association of Securities Dealers Automated Quotation National Market System. The director of the office of securities regulation may withdraw this exemption under certain circumstances.

This bill was requested by the office of securities regulation.

**HB 413-FN**, relative to penalties for insurance laws violations. OUGHT TO PASS.

This bill clarifies violations of insurance claims and standardizes penalties. Vote 14-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

**HB 441**, relative to the uniform limited offering exemption from securities registration and filing requirements. OUGHT TO PASS.

This bill exempts from securities regulation limited offerings for offers and sales which meet certain standards for compatibility and uniformity with federal laws or

laws of other jurisdictions. The bill is supported by the Office of Securities Regulation. Vote 16-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

**HB 475-FN**, relative to appointment of banking department assistants, and to the performance of contract services by the banking department, and to assessing the costs of bank examinations. OUGHT TO PASS.

This bill clarifies current law regarding "Banking Department assistants." It grants authority to the Bank Commissioner to contract-out and contract-in bank examiner services. In addition, it adds cost of benefits to cost of salary to be reimbursed by the banking industry to the Banking Department. Vote 17-0. Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs.

**HB 572**, relative to exclusions in automobile insurance. OUGHT TO PASS WITH AMENDMENT.

This bill brings Insurance Department regulations in line with civil court decisions relative to intra and inter coverage issues. Vote 16-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend RSA 264:15, I as inserted by section 2 of the bill by replacing it with the following:

I. No policy shall be issued under the provisions of RSA 264:14, with respect to a vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto at least in amounts or limits prescribed for bodily injury or death for a liability policy under this chapter, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or drivers of uninsured motor vehicles, and hit-and-run vehicles because of bodily injury, sickness or disease, including death resulting therefrom. When an insured elects to purchase liability insurance in an amount greater than the minimum coverage required by RSA 259:61, his uninsured motorist coverage shall automatically be equal to the liability coverage elected. *For the purposes of this paragraph umbrella or excess policies that provide excess limits to policies described in RSA 259:61, shall also provide uninsured motorist coverage equal to the limits of liability purchased, unless the named insured rejects such coverage.*

#### AMENDED ANALYSIS

This bill prohibits automobile insurers from including policy provisions which would preclude coverage for intra-family or inter-spousal claims.

The bill also requires that automobile insurance policies which provide excess limits also provide uninsured motorist coverage equal to the limits of liability purchased unless the named insured rejects such coverage.

**HB 584-FN**, relative to mandatory automobile insurance. RE-REFER TO COMMITTEE.

Two bills were heard before the Committee on this subject and it was felt that further study is needed to clearly understand the many ramifications of the issue. Vote 15-1. Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs.

**HB 644**, allowing banks to write insurance as an agent or broker of an insurance company in certain instances. INEXPEDIENT TO LEGISLATE.

The Committee could not justify the need for this legislation. This is not the time to allow financial institutions to acquire new product lines. Vote 16-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

**HB 692-FN**, relative to reinsurance intermediaries. OUGHT TO PASS.

This bill allows the Insurance Department to license reinsurance intermediaries and establishes penalties for license violations. It is one of the bills needed for the Insurance Department to be certified by the National Association of Insurance Commissioners. The bill was requested by the Insurance Department. Vote 13-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

**HB 694-FN**, relative to mandatory automobile insurance. INEXPEDIENT TO LEGISLATE.

This was the second bill heard on this subject. The Committee felt that the issue would be studied under the HB 584 re-referral. Vote 16-0. Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs.

**HB 291-FN**, relative to amending the election laws. INEXPEDIENT TO LEGISLATE.

House Bill 291 would amend the Election Laws. The Committee will incorporate the subject matter in HB 754. Vote 14-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

**HB 398**, relative to determining qualifications of applicants to vote. OUGHT TO PASS WITH AMENDMENT.

House Bill 398, as amended, deletes a reference to RSA 654:12 in RSA 654:8 section I. RSA 654:12 was repealed during the 1990 legislative session. Vote 11-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

#### Amendment

Amend the bill by replacing section I with the following:

I Removing Reference to Determining Qualifications of Voter. Amend RSA 654:8 to read as follows:

654:8 Application to Town or City Clerk. Any person who has his domicile in any town or city in this state and whose name does not appear on the checklist of said town or city may apply to the town or city clerk for the purpose of having his name added thereto by filling out the form provided for in RSA 654:7. The office of the town or city clerk shall have the power to accept applications from such persons under the following conditions:

[I. The supervisors of the checklist shall determine the qualifications of voters as provided in RSA 654:12.

II]I. The supervisors of the checklist may issue guidelines to the town clerk for the taking of evidence of qualifications presented by applicants.

III]II. No application hereunder shall be accepted after the last meeting of the supervisors of the checklist before an election.

IV]III. Such application shall be made during the regular office hours of the town or city clerk.



## AMENDED ANALYSIS

This bill removes a reference to the authority of supervisors of the checklist to determine the qualifications of an applicant to vote. This authority was repealed during the 1990 legislative session.

**HB 422-FN**, relative to surplus campaign funds. RE-REFER TO COMMITTEE.

The Committee was concerned that after an election a candidate might retain a considerable amount of money and use those election funds for personal use. The Committee feels this subject merits further study. Vote 10-0. Rep. Ralph E. Shackett for Constitutional and Statutory Revision.

**HB 545**, reapportioning the executive council districts. RE-REFER TO COMMITTEE.

This bill establishes new councilor districts. The information needed is not currently available to the Committee. Vote 11-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

**HB 548**, relative to the information required on checklists. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, permits a voter to have his address and mailing address, if different, not to appear on the checklist if the voter presents to the supervisors of the checklist a valid protective order pursuant to RSA 173-B:4. Vote 11-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

## Amendment

Amend the bill by replacing section 1 with the following:

1 Information Required on Checklist. Amend RSA 654:25 to read as follows:

654:25 Preparing Checklist. The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which is to be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, address and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Every checklist used at any state election shall contain as a minimum the full name, address, and mailing address if different, and party affiliation, if any, of each voter on the checklist. *The address and mailing address, if different, of a voter shall not appear on the checklist at the request of the voter if the voter presents to the supervisors of the checklist a valid protective order pursuant to RSA 173-B:4. A voter who presents a valid protective order may, however, request that a mailing address, if different, be maintained on the checklist. If a voter who presents a valid protective order requests that no address be maintained on the checklist, the supervisors of the checklist may nonetheless maintain a designation on the checklist which indicates that no address is required for that voter.*

## AMENDED ANALYSIS

This bill eliminates the requirement that checklists include the address of a voter, if the voter presents a valid protective order to the supervisors of the checklist.

**HB 569**, to reapportion county commissioner districts. RE-REFER TO COMMITTEE.

This bill establishes new county commissioner districts in accordance with the latest federal decennial census. The information needed is not currently available to the Committee. Vote 11-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

**HB 591**, reapportioning the state house of representatives districts. RE-REFER TO COMMITTEE.

This bill would establish new state house of representatives districts. The information needed to redistrict is not currently available to the Committee. Vote 11-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

**HB 621-FN**, relative to voting by absentee ballot. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, allows town and city clerks to accept absentee ballots in any state election no later than 3:00 p.m. the day of the election. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

#### Amendment

Amend the bill by replacing section 4 with the following:

4 Time for Accepting Absentee Ballots. Amend RSA 657:22 to read as follows:

657:22 Cutoff. In any state election, a town or city clerk shall not accept any completed [armed services or federal overseas citizens] absentee ballots delivered to him by any means after [5:00] **3:00** p.m. on election day. [All other absentee ballots shall not be accepted after 5:00 p.m. on the day immediately prior to election day.] Ballots received after such [times] **time** shall be retained by the clerk unopened until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined.

#### AMENDED ANALYSIS

This bill allows a voter who may be absent or unable to vote in person on election day to vote by absentee ballot.

This bill also requires town and city clerks to accept all absentee ballots in any state election at the same time which shall be no later than 3:00 p.m. on election day.

**HB 673-FN**, reinstating the charter of Capital Leasing Company, Inc. OUGHT TO PASS WITH AMENDMENT.

This bill reinstates the Charter of Capitol Leasing Company retroactive to the time of its December 1, 1987, forfeiture. The amendment corrects a spelling error and reinstates the Charter of Hagen and Speziali, Inc., retroactive to its November 1, 1990 forfeiture. Vote 12-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

reinstating the charter of Capitol Leasing Company, Inc.  
and of Hagen and Speziali, Inc.

Amend the bill by replacing all after the enacting clause with the following:

1 Reinstatement of Capitol Leasing Company, Inc. The charter of Capitol Leasing Company, Inc., of Manchester, New Hampshire, incorporated on April 10, 1968, was forfeited on December 1, 1987, under RSA 293-A:95, I(a). Upon payment of any fees in arrears, a reinstatement fee of \$100, an application fee of \$35, the filing of any annual returns required by law, and upon obtaining a certificate of good standing from the New Hampshire department of revenue administration, Capitol Leasing Company, Inc. shall be reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to December 1, 1987.

2 Reinstatement of Hagen and Speziali, Inc. The charter of Hagen and Speziali, Inc. of Salem, New Hampshire, incorporated on May 1, 1986, was forfeited on November 1, 1990, under RSA 293-A:95, I(a). Upon payment of any fees in arrears, a reinstatement fee of \$100, and application fee of \$35, the filing of any annual returns required by law, and upon obtaining a certificate of good standing from the New Hampshire department of revenue administration, Hagen and Speziali, Inc. shall be reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to November 1, 1990.

3 Applicability. This act shall not be construed to influence any pending actions or otherwise affect any liabilities or interfere with any course of action against the corporations for the period during which their charters lapsed.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill reinstates, upon the satisfaction of certain conditions, the charter of Capitol Leasing Company, Inc., retroactive to the time of its December 1, 1987, forfeiture and the charter of Hagen and Speziali, Inc., retroactive to the time of its November 1, 1990, forfeiture.

**HB 738-FN**, relative to filling vacancies in certain offices. INEXPEDIENT TO LEGISLATE.

This bill would have added an alternate procedure for filling a vacancy in any office in certain circumstances. The Committee felt that the bill as drafted would allow a person of the same party with only one vote to become a representative when others with several hundred votes of another party would not be considered. Vote 12-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

**HB 740-FN**, relative to campaign expenditures. RE-REFER TO COMMITTEE.

This bill would amend the Campaign Finance Law. Due to time constraints, the Committee would like to study the bill further. Vote 11-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

**HB 744-FN**, relative to restricting all town and district regular business meetings and elections from being held on biennial election day. RE-REFER TO COMMITTEE.

This bill would prohibit towns and districts from holding regular business meetings or elections on biennial election day. The Committee wants an opportunity to look at this bill further and come up with an amended bill in the next session that will satisfy the concerns of the towns and cities. Vote 13-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

**HB 754-FN**, relative to the duties of the secretary of state, the election laws, and certain miscellaneous statutes. **OUGHT TO PASS WITH AMENDMENT.**

This bill is favored by the Committee because it will bring the statutes into conformance with the current practices of the Secretary of State's Office. Vote 10-0. Rep. H. Thayer Kingsbury for Constitutional and Statutory Revision.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Distribution of Annual Reports by County Commissioners. Amend RSA 30:2 to read as follows:

30:2 Distribution. The county commissioners shall forward one copy of said pamphlet to the town clerk of each town in the county, to be placed on file, [and 4 copies to the secretary of state.] *one copy to the secretary of state, and 3 copies to the state library.* [The secretary of state shall cause copies of all 10 counties to be suitably bound in one volume and keep one of the bound copies in his office and deposit the others in the state library.]

2 License to Sell Pistols and Revolvers. Amend the introductory paragraph of RSA 159:8 to read as follows:

The selectmen of a town and the chief of police of a city may grant licenses, the form of which shall be prescribed by the [secretary of state] *director of the division of state police*, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the licensee shall be subject to forfeiture:

3 Record of Sale; Pistols and Revolvers. Amend RSA 159:9 to read as follows:

159:9 Record of Sale. A true record shall be made of every pistol or revolver sold, in a book kept for the purpose, in the form prescribed by the [secretary of state] *director of the division of state police*, shall be signed by the purchaser and by the person effecting the sale, and shall include the date of sale, the caliber, make, model and manufacturer's number of the weapon, and the name, address and nationality of the purchaser. The record shall be preserved for one year, and a copy thereof shall, within 7 days, be forwarded to the selectmen of the town or the chief of police of the city *in which the purchaser resides.*

4 Hawkers and Peddlers Selling on State Property. Amend RSA 320:2 to read as follows:

320:2 Prohibition; *Selling on State Property*; Contracts Void; Penalty. No hawker or peddler shall sell or barter or carry for sale or barter, or expose therefor, any goods, wares or merchandise, unless he holds a license to do so as herein provided. *No person may operate as a hawker or a peddler in any building or on any land owned, leased, or controlled by the state, except as provided in RSA 186-B:13.* Any person violating this section shall, notwithstanding the provisions of Title LXII, be guilty of a violation and fined not more than \$500. The clerk of the district or municipal court shall dispose of fines so collected by the court as provided in RSA 502:14 or RSA 502-A:8. Any contract relating to household repairs and improvements or for siding for any building or residence solicited by any person who has not obtained the licenses as herein provided for shall be void and unenforceable, and any sale or barter of any goods, wares or merchandise by any such person shall be voidable. Provided further that any time before midnight, at the expiration of 3 business days following the signing of any solicited home repair, home improvement installment contract or



cash sale of \$25 or more by the parties solicited or the owner, the parties solicited or the owner may serve a notice of cancellation upon the licensee or principal vendor.

5 Exceptions to Prohibitions Concerning Hawkers and Peddlers. RSA 320:3 is repealed and reenacted to read as follows:

320:3 Exceptions. The provisions of this chapter shall not apply to the following:

I. Itinerant vendors as defined in RSA 321:1.

II. Any person selling the product of his own labor or the labor of his family or the product of his own farm or the one he tills.

III. Any person conducting sales of personal household goods on his own property.

IV. Any nonprofit organization, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes when no part of the entity's earnings benefit any private shareholder or individual.

V. Any person conducting business in any industry or association trade show.

VI. Any person who sells exclusively antiques, used goods, or vintage items.

6 Notice of License and Qualifications; Bonded Warehouses. Amend RSA 348:9 to read as follows:

348:9 Notice of License and Qualification. The secretary of state shall, at the expense of each warehouseman, give notice of his license and qualification, of the amount of the bond given by him, and also of the discontinuance of his license, by publishing the same for not less than 10 days in one or more newspapers, if any, published in the county or town in which the warehouse is located; otherwise, in one or more newspapers published [in the city of Manchester] *statewide*.

7 Application to be Notary Public. Amend RSA 455:2 to read as follows:

455:2 Application. Any person applying to be a notary public shall [have been a registered voter in this state for at least 3 years immediately preceding the date of application] *be a resident of this state*. The applicant shall sign a written statement under oath as to whether he has ever been arrested or convicted of a crime that has not been annulled by a court, other than minor traffic violations. The applicant shall be endorsed for appointment by 2 notaries public and a registered voter of this state.

8 Posting Sample Ballots. Amend RSA 658:26 to read as follows:

658:26 Sample Ballots to be Posted. The town or city clerk shall cause the sample ballots provided for in RSA 656:18 and 656:28 to be posted outside the guardrail in the polling place. For the general election, he shall cause 2 sample ballots to be posted. For the state and presidential primaries, he shall cause 2 sample ballots of each party to be posted. *At least one sample ballot for the general election and one sample ballot of each party for each of the primaries shall be posted no higher than 48" so as to be convenient for those voters in wheelchairs.*

9 Hours of Polling in Cities. Amend RSA 659:4 to read as follows:

659:4 Hours of Polling in Municipalities. At all state elections in towns and cities the polls shall open not later than 11 o'clock in the forenoon and shall close not earlier than 7 o'clock in the evening. *In cities, the city council shall determine the polling hours at least 30 days prior to a state election.*

10 Issuing Certificates of Election for State Representatives. Amend RSA 659:84, II(b) to read as follows:

(b) State representatives [in a multi-town or multi-ward district];

11 Candidate for Village District Office. Amend RSA 670:4 to read as follows:

670:4 Nominations. To become a candidate for any village district office, a person must have a domicile in the village district. In any village district which has voted to elect district officers by non-partisan official ballot as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the village district clerk, in the same manner as with the town clerk in town elections as provided in RSA 669:19-669:22[, no earlier than 45 nor later than 30 days before the village district election].

12 Repeal. RSA 659:84, III, relative to issuing certificates of election to representatives-elect, is repealed.

13 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill amends the election laws relative to:

- (1) Hours of polling.
- (2) Becoming a candidate for a village district office.
- (3) Posting sample ballots.
- (4) Issuing certificates of elections.

The bill amends the duties of the secretary of state relative to licensing and recording the sale of pistols and revolvers, and relative to notice of license and qualifications of bonded warehouses.

The bill also changes:

- (1) The application procedure to be a notary public.
- (2) The selling privileges for hawkers and peddlers and the exceptions thereto.
- (3) The distribution of annual reports by county commissioners.

**HB 467**, relative to state-funded institutions prohibiting students from participating in certain activities or organizations. INEXPEDIENT TO LEGISLATE.

This is an internal University matter and the University System Study Committee (RSA 187-A:26) will monitor this issue and recommend legislation in the future if it appears necessary. Vote 16-0. Rep. Arthur B. Corte for Education.

**HB 542**, relative to the time frame for submitting school district meeting warrant articles. OUGHT TO PASS WITH AMENDMENT.

This bill is a housekeeping measure to allow for timely submission of school district warrants. The amendment brings into line existing regulations citing 25 voters or 2 percent of the voters of the school district necessary to submit a warrant article. Vote 17-0. Rep. Stanley N. Searles for Education.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the time frame for submitting school district meeting warrant articles and the number of petitioners necessary to submit a warrant article.

Amend RSA 197:6 as inserted by section 1 of the bill by replacing it with the following:

197:6 Warrant and Articles. Upon the written application of [10] **25** or more voters or [1/6] **2 percent** of the voters of the school district, presented to the school board or one of them not later than 30 days before the date prescribed for the school district meeting *or the second Tuesday in March, whichever is earlier*, the school board shall insert in the school district warrant for such meeting any subject matter specified in

such application. No article may be inserted after posting of said warrant. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32.

#### AMENDED ANALYSIS

This bill, in order to allow time for proper publication of business to be conducted at the annual school district meeting, requires that warrant articles be submitted at least 30 days before the second Tuesday in March or the date prescribed for the school district meeting, whichever is earlier.

The bill also changes the number of petitioners, on an application for a warrant article, from 10 to 25 voters or from 1/6 to 2 percent of the voters of the school district.

**HB 588-FN**, to allow the Wakefield school district to withdraw from school administrative unit number 64 and to establish an independent school administrative unit coextensive with its own school district boundaries. **INEXPEDIENT TO LEGISLATE**.

This bill is Inexpedient to Legislate due to the fact that the townspeople have yet to vote on the issue, but will do so on March 23. Also, conflicting information was presented by both sides. A vote by the Legislature on this matter, without having the voters of Wakefield decide first what they want, would not be in the best interest of the town. Vote 18-0. Rep. John J. Laurent for Education.

**HB 634-FN**, to allow the Wakefield school district to withdraw from the Branch River cooperative school district. **INEXPEDIENT TO LEGISLATE**.

Some of the information presented to the Committee appears that the issue will become "moot" when the vote goes before the voters in Wakefield at the March 23rd school meeting. The town of Milton is looking to another agreement with a town in Maine to see if a more compatible interstate agreement can be pursued. The voters in Wakefield voted on 10/16/90 not to participate in the interstate compact. The agreement did bring forward a feasibility study for an interstate compact. Articles of the agreement shall be declared null and void unless a plan is adopted by July 1, 1992. Vote 19-0. Rep. William A. Riley for Education.

**HB 262-FN**, revising hazardous waste facility permit fees. **OUGHT TO PASS WITH AMENDMENT**.

Adoption of this bill is recommended because current law allows the state to charge only nominal fees for permit applications of a hazardous waste treatment facility. The costs to New Hampshire for licensing such a facility could be more than \$100,000. This bill would allow the Department of Environmental Services to recoup expenses involved in the permit application process. Vote 18-0. Rep. Jeb E. Bradley for Environment and Agriculture.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Director Defined. Amend RSA 147-A:2 by inserting after paragraph II the following new paragraph:

II-a. "Director" means the director of the division of waste management.

2 Operator Permit Application Fees. Amend RSA 147-A:4, II to read as follows:

II. A permit application fee not to exceed \$5,000 shall accompany each permit, *permit modification*, and permit renewal application. The amount of the fee shall reflect the relative effort necessary for review of the application. Permit application

fees shall be used by the division of waste management for review of applications. In addition to the application fee, the applicant shall be responsible for all reasonable hearing costs incurred by the division of waste management. *State costs which exceed the \$5,000 permit application fee shall be charged monthly to the applicant at an hourly rate which includes, but is not limited to, staff salaries and benefit costs, current operating expenses, legal costs and travel. The hourly rate shall also be used to calculate any division costs associated with implementing and enforcing the terms and conditions of a permit issued by the division. Permit fees received by the division of waste management under this section shall be placed in the hazardous waste cleanup fund as established under RSA 147-B:3, shall be accounted for separately and shall be used in processing applications and enforcing and implementing conditions of a permit.*

3 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (mm) the following new subparagraph:

(nn) Moneys received under RSA 147-A:4, which shall be credited to the hazardous waste cleanup fund established under RSA 147-B:3.

4 Findings and Purpose. Amend RSA 147-B:1, I and II to read as follows:

I. The general court hereby finds that as a result of past hazardous waste dumping activities, the potential for spills of hazardous materials and the present lack of proper hazardous waste treatment, storage or disposal facilities within the state, the problem of managing hazardous waste and the movement of hazardous materials *and hazardous waste* in the state has become a matter of great concern. [The general court further finds that the public health and safety and the environment are seriously threatened due to hazardous wastes which have been previously discharged or disposed of in an environmentally unsound manner and by the possibility of future improper disposal or spills of hazardous wastes.]

II. The general court hereby declares that the purpose of [chapter] RSA 147-B is to provide for the proper, adequate and safe cleanup of sites within New Hampshire where hazardous wastes or materials have been improperly discharged, disposed of or spilled. It is [the intent of this chapter to provide for financial capability and procedures which will expedite the cleanup of hazardous wastes and materials and encourage private organizations to assist in that effort] *further the purpose of this chapter to support the regulatory and enforcement efforts associated with such cleanups, the transportation of hazardous wastes, and the proper permitting of hazardous waste facilities.*

5 New Paragraph; Purpose of Use of Funds. Amend RSA 147-B:6 by inserting after paragraph I-a the following new paragraph:

I-b. Fees collected in accordance with RSA 147-A:4 and deposited into the hazardous waste cleanup fund shall be accounted for separately and used in processing hazardous waste facilities' permits and enforcing and implementing conditions of a permit.

6 Purpose and Use of Fund. Amend RSA 147-B:6, IV to read as follows:

IV. The division of waste management may use up to \$325,000 per year from the fund to pay for *permitting*, administrative and enforcement costs associated with the fund.

7 Effective Date. This act shall take effect July 1, 1991.



## AMENDED ANALYSIS

This bill amends the hazardous waste management statute regarding hazardous waste facility operators' permit fees to allow the division of waste management to charge state costs in excess of the \$5,000 permit application fee to the applicant. The permit fees shall be placed in the hazardous waste cleanup fund and used to pay for processing hazardous waste facilities' permits and for enforcing and implementing conditions of a permit.

Referred to Appropriations.

**HB 276-FN**, relative to the task force establishing voluntary agreements reducing and recycling the solid waste stream and the duties of the commissioner of environmental services. **OUGHT TO PASS WITH AMENDMENT.**

The Committee wanted to extend the task force for one more year to continue to pursue voluntary agreements. There was a strong feeling that reporting requirements needed to be extended long enough to be able to measure milestones set in the agreements. Vote 17-0. Rep. Linda Griebisch for Environment and Agriculture.

**Amendment**

Amend the bill by replacing all after section 1 with the following:

2 Final Report of Task Force Extended. Amend 1990, 15:2, IV to read as follows:

IV. The task force shall produce a progress report no later than April 1, 1990, and an interim report with its findings and recommendations to the house environment and agriculture committee and the senate [development, recreation and] environment committee no later than December 1, 1990, and a final report to such committees no later than [December 1, 1991] *November 1, 1992*.

3 New Section; Biennial Reports Required. Amend 1990, 15 by inserting after section 3 the following new section:

15:3-a Commissioner's Biennial Reports.

I. The commissioner of the department of environmental services shall prepare biennial reports, the results of which shall be published and made available to the governor, the general court, and the public beginning November 1, 1991, and continuing through November 1, 1995. The November 1, 1991 report shall include:

(a) A survey of present and proposed solid waste fee legislation in other states and Congress.

(b) The number and type of New Hampshire businesses or industries that are participating in the voluntary programs, including:

(1) The solid waste stream reduction achieved by type of material or industry; and

(2) Estimates of the total amount of each type of material and the maximum reduction that could be achieved or the amount of solid waste that could be expected to be recycled.

(c) Remaining problem areas at the times of reporting.

(d) Conclusions and recommendations.

II. The November 1, 1993 and 1995 reports shall include a listing of new voluntary agreements relative to reducing and recycling the solid waste stream and an update on the progress and status of the issues surveyed in 1990, 15:3-a, I(b)-(d) and the findings reported under those subparagraphs in the commissioner's November 1, 1991 report.

4 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill extends the final reporting deadline of the task force on establishing voluntary agreements relative to solid waste stream reduction and recycling to December 1, 1992.

The bill also requires the commissioner of the department of environmental services to prepare biennial reports beginning November 1, 1991, and continuing through November 1, 1995, which outline present or proposed federal and state solid waste fee legislation and the progress of voluntary participation by New Hampshire industries in reduction and recycling programs. The November 1, 1993 and 1995 reports shall review the progress and status of the issues reported on November 1, 1991.

**HB 376-FN**, applying hazardous waste generator fees to hazardous waste destined for off-site recycling. **INEXPEDIENT TO LEGISLATE.**

The Committee felt that an additional fee on recycled hazardous waste would be a disincentive to businesses trying to recycle. However, it felt the Department of Environmental Services should be allowed to assess fees to cover the cost of enforcement and administration of the provisions of RSA 147-B:8. Addressing the best manner and method of assessing fees in this area will be considered with other similar bills that have been re-referred to the next session. Vote 18-0. Rep. David M. Scanlan for Environment and Agriculture.

**HB 442-FN**, exempting small producers of raw milk from certain inspections. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 442, as amended, gives the Commissioner of Agriculture, after consulting with the Agricultural Advisory Board, the authority to establish by order an equitable minimum price to be paid to dairy producers for milk produced in New Hampshire. Vote 17-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

authorizing the commissioner of agriculture to establish  
minimum price rates for small producers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Minimum Producer Dairy Prices. Amend RSA 434 by inserting after section 55 the following new subdivision:

#### Minimum Producer Dairy Prices

434:56 Establishment of Minimum Producer Dairy Prices. The commissioner, after consulting with the agricultural advisory board, may establish by order an equitable minimum price to be paid to dairy producers for raw milk produced in New Hampshire on the basis of the use thereof in the various classes, grades and forms. The commissioner, after consulting with the agricultural advisory board, may from time to time make, amend or rescind an order if the commissioner finds that the federal milk marketing order covering New Hampshire is adequate or inadequate as the case may be to ensure a stable raw milk production and distribution system in the state. In no case shall the commissioner establish by order a price greater than the average price established for comparable classes, grades and forms of raw milk in the contiguous states.

434:57 Rulemaking. The commissioner shall adopt rules, under RSA 541-A, necessary to carry out the intent of this subdivision.

434:58 Prohibited Acts; Administrative Penalty. It shall be unlawful for any person to buy, sell or transfer ownership of raw milk in any form in quantities in excess of 20 quarts per day for less than the price or prices established by order of the commissioner pursuant to RSA 434:56. Any person who violates any provision of this subdivision or any rule or order issued under this subdivision shall be liable for a civil forfeiture not to exceed \$5,000 for each violation, or each day of a continuing violation, which may be collected in a civil action or in connection with an action for injunctive relief brought by the attorney general. Any person who violates any rule or order of the commissioner adopted under this subdivision may be subject to the imposition of an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill also authorizes the commissioner of agriculture to set minimum prices to be paid to small producers of raw milk.

**HB 447**, relative to bulk commodities. OUGHT TO PASS WITH AMENDMENT.

This is consumer protection legislation requested by the Department of Agriculture to require invoices to each purchaser of bulk commodities in terms of weight. Vote 18-0. Rep. Betty B. Hall for Environment and Agriculture.

#### Amendment

Amend the introductory paragraph of RSA 438:32-b as inserted by section 1 of the bill by replacing it with the following:

438:32-b Contents of Invoice. The vendor shall provide an invoice to each purchaser of services or bulk commodities sold, rendered, or delivered in terms of weight. The invoice shall contain, but not be limited to the following:

Amend RSA 438:32-b, II as inserted by section 1 of the bill by replacing it with the following:

II. The location where the weight or service was determined.

**HB 509**, clarifying the definition of public benefit relative to permitting solid waste facilities. OUGHT TO PASS WITH AMENDMENT.

This bill clearly defines the term "public benefit" when used in permitting of solid waste treatment facilities. The burden of showing a public benefit is placed on the applicant. While economic consideration may be considered, a step process is established which gives greater weight to environment considerations. An example of this is the adoption of the Solid Waste Disposal Hierarchy established in RSA 149-M:11-a. The Committee cannot stress strongly enough the need to clarify the term "public benefit." Vote 15-0. Rep. Rick A. Trombly for Environment and Agriculture.

#### Amendment

Amend the bill by replacing all after section 1 with the following:

2 Reference Changed. Amend RSA 149-M:10, II to read as follows:

II. Applications for permits shall be upon such forms and shall include such information as the division of waste management requires by rules adopted under RSA 149-M:8. The application information shall include, but not be limited to, a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the division of waste management, the attorney

general shall conduct a background investigation of the performance history and criminal record of the applicant and of its officers and directors, if any, and make a report to the division of waste management. The applicant shall also demonstrate that the proposed facility provides a substantial public benefit pursuant to RSA [149-M:10, II-b] 149-M:10-c. The cost of any investigation under this paragraph shall be borne by the applicant.

3 New Section; Public Benefit Requirements. Amend RSA 149-M by inserting after section 10-b the following new section:

149-M:10-c Public Benefit Requirement.

I. The general court finds and declares as follows:

(a) It is responsible to provide for the solid waste management needs of the state and its citizens.

(b) In order to provide for these needs, it must ensure that adequate capacity exists within the state to accommodate the solid waste generated within the borders of the state.

(c) Facilities necessary to meet state solid waste capacity needs must be designed and operated in a manner which will protect the public health and the state's natural environment.

(d) The enactment of laws to address the needs identified in this section are an exercise of the police power granted to the general court under Part II, Article 5 of the New Hampshire Constitution.

(e) It is the purpose of this section to ensure benefit to the citizens of New Hampshire by providing for solid waste management options which will meet the capacity needs of the state while minimizing adverse environmental, public health, and long-term economic impacts.

II. The division shall:

(a) Determine whether a proposed facility provides a substantial public benefit based upon the following criteria, which are presented in order of the priority in which the division shall consider them:

(1) The need for a solid waste disposal facility of the proposed type to provide capacity to accommodate solid waste generated within the borders of New Hampshire.

(2) Whether or not the proposed project contributes to achieving the implementation of the hierarchy and goals under RSA 149-M:1-a.

(3) Whether or not the proposed project contributes to achieving the goals of the state solid waste plan.

(4) The financial viability of the proposed project with consideration for the geographic realities of its location.

(5) The concerns of the host municipality, county, or district.

(b) In making its determination of public benefit:

(1) First consider the criterion listed under RSA 149-M:10-c, II(a)(1). If the division determines that an application demonstrates satisfaction of this criterion, it shall then consider

(2) The criterion listed under RSA 149-M:10-c, II(a)(2). If the division determines that an application demonstrates satisfaction of this criterion, it shall then consider

(3) The criterion listed under RSA 149-M:10-c, II(a)(3). If the division determines that an application demonstrates satisfaction of this criterion, it shall then consider



(4) The criterion listed under RSA 149-M:10-c, II(a)(4). If the division determines that an application demonstrates satisfaction of the criterion, it shall then consider

(5) The criterion listed under RSA 149-M:10-c, II(a)(5).

III. Each applicant for a solid waste permit under this chapter shall have the burden of demonstrating that a proposed facility provides a public benefit by showing how the proposed facility satisfies the criteria listed under RSA 149-M:10-c, II. Such demonstration shall be included as part of each application for a solid waste permit.

IV. If the division determines that an applicant has failed to demonstrate that it satisfies the criteria listed under RSA 149-M:10-c, II, it shall notify the applicant in writing that its application has been denied, and provide a written explanation of the reasons for that determination.

V. If the division determines that an applicant has demonstrated that it satisfies the criteria listed under RSA 149-M:10-c, II, it shall include such determination in any permit issued.

VI. The division shall hold at least one public hearing in the host municipality, or in the case of an unincorporated place in the host county, within 30 days of receipt of a completed application for any landfilling or combustion type solid waste facility in order to assist it to determine public concerns as required under RSA 149-M:10-c, II(a)(5).

4 Repeal. RSA 149-M:10, II-b, relative to public benefit, is repealed.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill enhances the standard for substantial public benefit which a solid waste facility must demonstrate to the division of waste management of the department of environmental services when applying for a permit to operate the facility. The bill places the burden on the applicant to demonstrate a public benefit and requires a public hearing relative to the pending facility application.

**HB 604**, granting rulemaking authority to the division of waste management relative to infectious waste. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, defines medical waste as a "special" category and authorizes the Department of Environmental Services to adopt rules to regulate its disposal. It corrects the present statutory confusion which addresses medical waste under both solid waste and hazardous waste definitions. Vote 19-0. Rep. Gregory L. Hanselman for Environment and Agriculture.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

granting rulemaking authority to the division of  
waste management relative to special waste  
and defining special waste.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Special Waste Defined. Amend RSA 149-M:1 by inserting after paragraph XX the following new paragraph:

XX-a. "Special waste" means any matter consisting of medical or infectious wastes.

2 Rulemaking; Special Waste. Amend RSA 149-M:8, IV(i) to read as follows:

(i) Administration of and standards for the assessment and collection of the out-of-state solid waste surcharge pursuant to RSA 149-M:3, IV-b[.]; *and*

(j) *Standards and procedures for the treatment and disposal of special waste.*

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill grants authority to the division of waste management, department of environmental services to adopt rules relative to standards and procedures for the treatment and disposal of special waste. The bill defines special waste to mean any medical or infectious wastes.

**HB 639-FN**, establishing reuse and same use beverage container requirements. RE-REFER TO COMMITTEE.

Even though the Committee feels certain aspects of this bill might not be feasible, there is support for examining the merits of reuse and same use of beverage containers and hence asks re-referral of this bill. Vote 19-0. Rep. Jeb E. Bradley for Environment and Agriculture.

**HB 699-FN**, relative to solid waste reduction. RE-REFER TO COMMITTEE.

The Committee has re-referred several other source reduction and packaging bills. They all will be considered as a group in order to achieve our state's solid waste reduction goals. Vote 19-0. Rep. Nancy L. Tarpley for Environment and Agriculture.

**HB 749-FN**, establishing a packaging reduction and recycling act. INEXPEDIENT TO LEGISLATE.

This comprehensive bill is before its time. Its ramifications depend on whether other states adopt similar legislation. The Committee believes this type of legislation should be a priority in the next few years. The Committee will keep this subject on its agenda and deal with it in the future. Vote 15-0. Rep. Betty B. Hall for Environment and Agriculture.

**HB 776-FN**, establishing a household hazardous waste management program and advisory committee and a consumer education program on household hazardous wastes. RE-REFER TO COMMITTEE.

The Committee believes that a management program for household hazardous waste is critical for New Hampshire and by re-referring this bill it will be worked on and reported to the House in a timely fashion in the next session. Vote 18-0. Rep. Jeb E. Bradley for Environment and Agriculture.

**HBI 1**, relating to equalizing the economic impact of current use taxation. OUGHT TO PASS.

This bill of intent directs the House Environment and Agriculture Committee to evaluate the effect of Current Use Assessment and recommend legislation for the 1992 session to equalize the economic impact. The hearing was well attended by representatives of environmental and commercial interests and support was unanimous. Vote 19-0. Rep. Betty B. Hall for Environment and Agriculture.

**HB 521-FN**, requiring literacy testing as a prerequisite for certain public assistance. INEXPEDIENT TO LEGISLATE.

This bill would impose certain requirements without providing for supportive services. It would result in high administrative costs. Also, this bill establishes literacy testing as a criterion for assistance and may be in conflict with the United States

Constitution. The bill further may be in violation of the Federal Family Support Act of 1988 and in violation of federal assistance regulations. Vote 17-0. Rep. Thomas G. Cain for Health, Human Services and Elderly Affairs.

**HB 562-FN**, extending the surgical authority of podiatrists. RE-REFER TO COMMITTEE.

This bill extends the surgical authority of podiatrists. The Committee feels the bill needs further study for clarification of certain requirements and procedures. Vote 15-0. Rep. Thomas G. Cain for Health, Human Services and Elderly Affairs.

**HB 725-FN**, relative to requiring public assistance recipients to work. INEXPEDIENT TO LEGISLATE.

It was the unanimous opinion of the Committee that this bill is redundant. It would be detrimental to a jobs program for women with children over the age of three and also would diminish the authority of town welfare officers. The Committee just passed HB 733, which establishes a study committee to investigate public assistance procedures. Vote 16-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

**HB 733-FN**, establishing a study committee to study public assistance. OUGHT TO PASS WITH AMENDMENT.

The bill establishes a committee to study public assistance. It is hoped that with the passage of this bill, public assistance procedures might be improved from the aspects of administration, qualifications for assistance, and compliance with all public assistance guidelines. Vote 14-0. Rep. Carmela M. DiPietro for Health, Human Services and Elderly Affairs.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Purpose. A committee is hereby established to study public and general assistance at the state and local level to determine if such assistance achieves the overall goals of ensuring a reasonable subsistence, compatible with decency and health, for New Hampshire's poor and disadvantaged citizens, and providing the necessary support services and incentives to achieve their highest level of self-sufficiency.

#### 2 Membership.

I. The committee shall consist of the following:

(a) Two members of the house, appointed by the speaker of the house, both of whom shall be members of the health, human services and elderly affairs committee.

(b) One member of the senate, appointed by the president of the senate, who shall be a member of the public institutions, health and human services committee.

(c) The director of the division of human services, or designee.

(d) The director of the division of mental health and developmental services, or designee.

(e) The president of the New Hampshire Municipal Association, or designee.

(f) The president of the Local Welfare Administrators' Association, or designee.

(g) The director of New Hampshire Legal Assistance, or designee.

(h) The president of the New Hampshire Coalition for the Homeless, or designee.

(i) The chairman of the welfare advisory committee which currently advises the division of human services on the AFDC program, or designee.

(j) One member of the public, appointed by the governor.

II. At its first meeting, the members of the committee appointed under paragraph I shall appoint 6 additional members as follows:

(a) One person representing agencies that contract with the division of human services for the provision of services under the Job Opportunities and Basic Skills Training Program (JOBS).

(b) One person representing agencies that contract with the department of health and human services for the provision of community mental health services.

(c) One person representing agencies that contract with the department of health and human services for the provision of community developmental services.

(d) One person from a college or university who has relevant expertise in the area of social welfare policy.

(e) One person who is an AFDC recipient or who was an AFDC recipient at some time within the 2 years preceding the effective date of this act.

(f) One person who is a general assistance recipient or who was a general assistance recipient at some time within the 2 years preceding the effective date of this act.

3 Initial Meeting. The committee shall hold its first meeting within 60 days of the effective date of this act. The committee shall choose a chairperson from among its members, after all members have been appointed.

4 Duties of the Committee. The committee shall study:

I. The administration of public assistance at the state and local levels, including abuses in the system.

II. The eligibility requirements and monetary guidelines for public and general assistance applicants.

III. The funding mechanism for public and general assistance including federal, state and local sources.

5 Committee Report. The study committee shall submit a report on its findings including recommendations for legislative action, regarding ways to improve public and general assistance procedures, to the speaker of the house, the president of the senate and the governor not later than November 1, 1991.

6 Resources of the Committee. To the extent possible, the department of health and human services, and the general court shall provide staff support to the committee. All state agencies are directed to cooperate fully and promptly with any requests for information from the committee.

7 Compensation. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

8 Effective Date. This act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill establishes a committee to study public and general assistance in New Hampshire cities and towns.

**HB 182-FN**, authorizing the interception of wire or oral communications regarding securities crimes. RE-REFER TO COMMITTEE.

The Committee would like to take a long look at the one-party intercept question as it relates to existing laws, as well as its relation to the bill. The main issue is judicial



review versus prosecutorial investigative powers. Vote 15-0. Rep. Elizabeth D. Lown for Judiciary.

**HB 208-FN**, relative to annulments of criminal records. OUGHT TO PASS.

This bill allows the state to charge for criminal record annulments. It also removes the current law provision "district court probation office" because this position no longer exists. Vote 18-0. Rep. Donnalee M. Lozeau for Judiciary.

**HB 232-FN**, allowing schools and day care providers to check criminal records of applicants for employment. INEXPEDIENT TO LEGISLATE.

The passage of HB 363, which addresses the concerns of the sponsor of HB 232, makes this bill redundant. Vote 18-0. Rep. Donnalee M. Lozeau for Judiciary.

**HB 363-FN**, relative to criminal record checks and fees charged for criminal record checks. OUGHT TO PASS WITH AMENDMENT.

This bill deals with the release of criminal record information by the Division of State Police. As amended, it makes a distinction between arrest record and conviction record. It allows any individual to get a copy of both parts of his own record, and to get the conviction part only of another's record if the requestor has explicit written permission. Vote 18-0. Rep. Richard H. Campbell for Judiciary.

#### Amendment

Amend RSA 106-B:14, I as inserted by section 2 of the bill by replacing it with the following:

I. With the approval of the commissioner of safety, the director shall adopt rules under RSA 541-A as may be necessary to secure records and other information relative to persons who have been convicted of a felony, *misdemeanor or violation* or an attempt to commit a felony, *misdemeanor or violation* within the state, or who are known to be habitual criminals, or who have been placed under arrest in criminal proceedings. Such records and information shall not be open to the inspection of any person except those who may be authorized to inspect the same by the director; *as follows:*

(a) *Records and information concerning arrest not leading to conviction shall not be disclosed except to law enforcement personnel or agencies having a need to know in the performance of their duties, or to the individual requesting his own record.*

(b) *Any individual may request and receive a copy of his own criminal conviction and arrest records and related information.*

(c) *Any individual or any public or private agency may request and receive a copy of the criminal conviction record of another who has provided authorization in writing, duly signed and witnessed, explicitly allowing the requestor to receive such information.*

The clerks of the superior and municipal courts, or if there is no clerk the justice thereof, sheriffs, deputy sheriffs, police officers, and superintendents of the county departments of corrections shall secure and forward to the director all such information as he may direct relative to persons brought before said courts or arrested or in the custody of such officers. Any person violating the provisions of this section or any rules adopted under RSA 541-A shall be guilty of a violation, for each offense.

## AMENDED ANALYSIS

This bill requires the director of the division of state police to maintain records of persons who have been convicted of violations and misdemeanors. The bill authorizes the division to release criminal records to any individual requesting his own criminal record or any person who offers a release form of an individual's criminal record signed by that individual. The bill also authorizes the division to charge fees to individuals for criminal record checks.

Referred to Appropriations.

**HB 482-FN**, relative to temporary and emergency guardianships. OUGHT TO PASS WITH AMENDMENT.

The bill was replaced with an amendment believed by the Committee to be a reasonable compromise, allowing for the Division of Mental Health to have a hearing on temporary guardianship within 10 days. Vote 12-0. Rep. Donnalee M. Lozeau for Judiciary.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to temporary guardianships.

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Certain Temporary Guardianship Hearings. Amend RSA 464-A:12 by inserting after paragraph II the following new paragraph:

II-a. Upon receipt of a petition for temporary guardianship, if the court determines that the proposed ward is presently receiving care in a hospital and the division of mental health and developmental services so requests, the court shall with such notice as it deems reasonable to the proposed ward and the court appointed counsel or the proposed ward's private counsel, schedule a hearing on the petition to be held within 10 days, excluding Saturdays, Sundays and legal holidays, from the date the petition is filed.

2 Effective Date. This act shall take effect January 1, 1992.

## AMENDED ANALYSIS

This bill requires a hearing, if requested, on a temporary guardianship to be held within 10 days if the proposed ward is receiving treatment in a hospital.

**HB 534-FN**, amending the habitual offender penalties to provide for special alternative incarceration. RE-REFER TO COMMITTEE.

The Committee felt it was imperative to study the habitual offender statute in conjunction with alternative sentencing. The Committee did not have the time to allot to this bill in the proper manner. The Committee will work with the sponsors to see that the concerns are addressed. Vote 11-0. Rep. Donnalee M. Lozeau for Judiciary.

**HB 664-FN**, relative to illegal possession of alcohol. INEXPEDIENT TO LEGISLATE.

The Committee felt it was inappropriate to apply the sanction of license revocation to illegal behavior that may have nothing to do with ownership or operation of a motor vehicle. Vote 18-0. Rep. Peter Hoe Burling for Judiciary.

**HB 607**, permitting actions for damages resulting from violations of unemployment and workers' compensation laws by bidders on construction contracts. **OUGHT TO PASS WITH AMENDMENT.**

This bill was given a great deal of work. The Department of Employment Security, the Department of Labor, AFL/CIO and this Committee were satisfied with the wording of the amendment. Vote 12-1. Rep. John W. Flanders for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

permitting actions for damages resulting from  
violations of workers' compensation laws  
by bidders on construction contracts.

Amend the bill by replacing section 1 with the following:

1 New Section: Actions for Damages Resulting From Violations of Workers' Compensation Laws. Amend RSA 508 by inserting after section 4-e the following new section:

508:4-f Bidders on Construction Contracts. Any person, firm, association or corporation which suffers damages as a result of a competitive bid for a project involving the construction, repair, remodeling, alteration, conversion, modernization, improvement, rehabilitation, replacement, or renovation of a building or structure not being awarded due to another person, firm, association or corporation knowingly violating the workers' compensation law, RSA 281-A, may bring an action for damages in the superior court against said violator.

#### AMENDED ANALYSIS

This bill permits any person, firm, association or corporation which suffers damages as a result of a competitive bid for a project not being awarded due to another person, firm, association or corporation knowingly violating workers' compensation laws to bring an action for damages in the superior court.

**HB 603-FN**, to establish a state mandates task force to recommend modification or repeal of those state mandates imposed upon municipalities and school districts which are deemed unnecessary or too expensive. **OUGHT TO PASS WITH AMENDMENT.**

The Committee concurred with the bill, as amended, relative to establishing a task force to study state and federal mandates. The object being to judge their impact on local communities. Vote 10-0. Rep. Elizabeth A. Moore for Legislative Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

to establish a mandates task force to recommend modification  
or repeal of those unfunded mandates imposed upon  
municipalities and school districts.

Amend the bill by replacing all after the enacting clause with the following:

1 Task Force Established. The general court finds that state and federal mandates are increasing the cost of municipal and school services, thus contributing to rising property taxes. Legislative action may be necessary to recommend the elimination or modification of those mandates which are clearly unfunded by any political subdivision other than the municipalities or school districts. There is, therefore, created a task force to examine state and federal mandates which are imposed upon the municipalities and school districts and make recommendations to modify or repeal those mandates.

2 Membership. The task force shall be composed of the following members:

I. Three school board members, appointed by the New Hampshire School Boards Association.

II. Three elected municipal officials, which may include, but are not limited to, selectmen, aldermen, city or town councilors, county officials, and mayors, appointed by the New Hampshire Municipal Association.

III. Two members of the New Hampshire senate, appointed by the senate president.

IV. Two members of the New Hampshire house of representatives, appointed by the speaker of the house.

V. One public member appointed by the governor.

3 Appointments. The appointments of the members in section 2 of this act shall be made within 30 days of the effective date of this act.

4 Chairman; Meetings; Quorum. The task force shall elect a chairman from among its members at its first meeting. The first meeting shall be called within 45 days after the effective date of this act, and at such other times as the chairman shall designate. Six members shall constitute a quorum. Decisions shall be reached by a simple majority of the members present and voting.

5 Duties. The task force shall:

I. Hold public hearings throughout the state to identify state mandates which are of particular concern to municipalities and school districts.

II. Based upon the testimony received through public hearings, develop a list of state and federal mandates for consideration by the task force.

III. Make recommendations for modification or repeal of those mandates clearly unfunded by any political subdivision other than the municipalities or school districts.

6 Compensation. Members of the task force shall serve without compensation, except that legislative members shall receive mileage at the legislative rate.

7 Report. The task force shall present a report of its findings by September 1, 1992, to the governor, the senate president, the speaker of the house of representatives, and to the chairman of each standing committee in the house and the senate. The task force shall be disbanded upon the issuance of its report.

8 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill creates a task force to identify mandated responsibilities imposed by the state and federal governments upon municipalities and school districts, and to make recommendations for the modification or repeal of those mandates which are clearly unfunded by any political subdivision other than the municipalities or school districts.



**HJR 3**, requesting the university cooperative extension service to continue to work with the governor's commission on the 21st century. **OUGHT TO PASS.**

The purpose of this resolution is to show that the General Court endorses the plan to strengthen and expand efforts within local communities under the two presently established programs of Civic Profiles and Community Cornerstones. Those programs evolved during the work of the Governor's Commission on New Hampshire in the 21st Century. The General Court also endorses the efforts of the Cooperative Extension Program of the University of New Hampshire to assist and strengthen such local efforts. Vote 11-0. Rep. Paul R. Fillion for Legislative Administration.

**HB 260-FN**, relative to the property tax exemption for the blind on their residential real estate. **INEXPEDIENT TO LEGISLATE.**

The hearing was re-opened and further testimony considered. Disabilities come in many forms. Being blind is one. Exemptions should be given on a basis of equal treatment and need. One major fault of this bill is that there is no means test, meaning no statement of need. This bill proposed a standard exemption for one type of disability and a 60 percent assessed valuation reduction for the other. That is not consistent with equal treatment as required by the Constitution. Vote 15-0. Rep. John A. Middleton for Municipal and County Government.

**HB 308**, relative to notice requirements for public hearings on zoning changes. **INEXPEDIENT TO LEGISLATE.**

What HB 308 attempts to cover is already adequately provided for in present statutes. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

**HB 340**, relative to compliance with enabling legislation. **OUGHT TO PASS.**

This bill clears up uncertainties about what the Legislature intends when it authorizes a ballot vote on enabling legislation, and it also assures that votes at town meeting should not be invalidated by a state agency for technicalities relating to wording. All testimony was favorable. Vote 16-1. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 346**, relative to public hearings and the statement of financial conditions for counties. **INEXPEDIENT TO LEGISLATE.**

House Bill 346 was improperly drafted and did not properly address the problem it attempted to solve. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

**HB 348**, relative to the municipal records board. **OUGHT TO PASS WITH AMENDMENT.**

This will help the Municipal Records Board carry out its functions more effectively by having the Records Manager a member of the Board. All testimony was favorable. Vote 17-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

#### **Amendment**

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

#### **AMENDED ANALYSIS**

This bill includes the state records manager on the municipal records board.

**HB 360-FN**, relative to calculating income for purposes of elderly property tax exemptions. RE-REFER TO COMMITTEE.

The Committee has received several bills dealing in some fashion or other with a property tax exemption for the elderly. It proposes to re-refer all of them for the purpose of submitting a single bill for consideration by the House. Vote 17-0. Rep. John A. Middleton for Municipal and County Government.

**HB 375-FN**, authorizing towns to accept donations of property. OUGHT TO PASS.

This bill allows towns to accept gifts of personal property. Such acceptance shall not bind the town to raise, appropriate or expend any funds for the operation, maintenance, repair or replacement of the donated property. All of the testimony was in favor of this bill. Vote 16-0. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 385**, relative to administrative inspection warrants, town trust funds, and planning board decisions. OUGHT TO PASS WITH AMENDMENT.

This bill does three things. 1) It allows towns to revoke unused and not needed trust funds. 2) It allows health officers, fire officials and other local officials who must make inspections of property the means to do so pursuant to administrative inspection warrants. 3) Finally, it allows for planning board decisions which are based solely on the terms of or interpretation of the local ordinance to be appealed to the Board of Adjustment. Vote 15-0. Rep. Ruth E. Gage for Municipal and County Government.

#### **Amendment**

Amend RSA 31:19-a, III as inserted by section 1 of the bill by replacing it with the following:

***III. The provisions of RSA 31:32 shall apply to any trust fund created under this section.***

Amend RSA 676:5, III as inserted by section 13 of the bill by replacing it with the following:

III. If, in the exercise of subdivision or site plan review, the planning board makes any decision or determination which the board states is based solely upon the terms of the zoning ordinance, or upon any construction, interpretation or application of the zoning ordinance, which would be appealable to the board of adjustment if it had been made by the administrative officer, then such decision may be appealed to the board of adjustment under this section; provided, however, that if the zoning ordinance contains an innovative land use control adopted pursuant to RSA 674:21 which delegates administration, including the granting of conditional or special use permits, to the planning board, then the planning board's decision made pursuant to that delegation cannot be appealed to the board of adjustment, but may be appealed to the superior court as provided by RSA 677:15.

Amend the bill by replacing all after section 13 with the following:

14 Court Review of Certain Planning Board Decisions. Amend RSA 677:15, I to read as follows:

I. Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition

shall be presented to the court within 30 days after the filing of the decision in the office of the planning board. *This paragraph shall not apply to planning board decisions appealable to the board of adjustment pursuant to RSA 676:5, III.*

15 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides a mechanism which allows towns to revoke town trust funds which are not expressly irrevocable.

The bill allows certain local officials to conduct searches and inspections pursuant to administrative inspection warrants.

This bill makes decisions by a planning board which the board states is based solely on the terms of a zoning ordinance or interpretation of such an ordinance appealable to the board of adjustment in certain circumstances.

**HB 400**, relative to a property tax postponement law. INEXPEDIENT TO LEGISLATE.

This bill leaves too many questions unanswered. All the testimony was against passage of this bill. Vote 15-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

**HB 403**, relative to property tax relief for certain elderly homeowners. INEXPEDIENT TO LEGISLATE.

This bill, by excluding one form of housing, is unconstitutional. Further, it provides for no "means" test to receive property tax relief. Vote 15-0. Rep. Catherine V. Brungot for Municipal and County Government.

**HB 429**, relative to the salaries of county attorneys. OUGHT TO PASS.

The salaries for county attorneys in Rockingham, Cheshire and Belknap counties are set at dates different from the other counties. House Bill 429 makes the dates uniform for all counties and changes no other procedures. Vote 15-0. Rep. Richard T. Trelfa for Municipal and County Government.

**HB 430**, relative to making public certain records relative to paid settlements involving taxpayer money. INEXPEDIENT TO LEGISLATE.

The Committee feels that this bill would require the disclosure of confidential personnel information which is now protected by a municipal employee's right to privacy. Existing law makes it clear that only public funds lawfully available for the purpose may be expended as part of a settlement of a personnel grievance. Vote 15-0. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 434**, relative to the procedure for planning boards to revoke approval of recorded plats. OUGHT TO PASS WITH AMENDMENT.

House Bill 434, as amended, allows for the revocation of an approved plat when it no longer is desired by the owner or when it no longer meets the requirement of the municipality. Any revocation cannot be completed unless certain requirements are met. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Revoking Approval of Recorded Plat. Amend RSA 676 by inserting after section 4 the following new section:

676:4-a Revocation of Recorded Approval.

I. A subdivision plat, street plat, site plan or other approval which has been filed with the appropriate recording official under RSA 674:37 may not be revoked, in whole or in part, by the planning board, except pursuant to this section, and only under the following circumstances:

(a) At the request of, or by agreement with, the applicant or the applicant's successor in interest.

(b) When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.

(c) When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time periods specified in RSA 674:39.

(d) When the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances or regulations.

(e) When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III(b) and 674:44, III(b) until such time as the work secured thereby has been completed.

II. Prior to recording any revocation under this section, the planning board shall give notice, as provided by RSA 676:4, I(d), to the public, the applicant or the applicant's successor in interest, and all abutters. The notice shall include the board's reasons for the revocation. A hearing with notice as provided in RSA 676:4, I(d) shall be held at the request of any party receiving such notice, submitted within 30 days of receiving such notice, or if the planning board determines to hold a hearing.

III. A declaration of revocation, dated and endorsed in writing by the planning board, and containing reference to the recording information for the plat, plan or other approval being revoked, shall be filed for recording with the register of deeds, no sooner than 30 days after written notification of the revocation is served on the applicant or the applicant's successor in interest, in person or by certified mail, or 30 days after any public hearing, whichever is later. If only part of an approval is revoked, that portion of land subject to revocation shall be clearly identified in the declaration. The declaration shall be recorded under the same name or names as was the original approval, as well as the names of subsequent owners, if any, of the land or part thereof subject to revocation, as identified by the municipality.

IV. A revocation under this section may be appealed pursuant to RSA 677:15. Nothing in this section shall affect the municipality's ability, either before or after such a revocation, to pursue other remedies or penalties as set forth in RSA 676:15-17.

**HB 444**, relative to requesting a vote by secret ballot at town meetings. INEXPE-  
DIENT TO LEGISLATE.

While the Committee recognizes and sympathizes with the intent of HB 444, it believes that the problem of misuse of the five-voter written ballot petition should more properly be addressed in the context of overall town meeting procedures. Vote 17-0. Rep. Richard T. Trelfa for Municipal and County Government.



**HB 457**, relative to changes in town charters. **INEXPEDIENT TO LEGISLATE.**

It should be as difficult to change a town charter as it is to adopt one. Those testifying against the bill expressed concern that if HB 457 were to become law it could lead to uncertainty and too frequent changes. The Committee concluded that existing provisions of RSA 49-B should continue. Vote 16-1. Rep. Fredrik Peyron for Municipal and County Government.

**HB 492-FN**, relative to conservation restriction assessments. **OUGHT TO PASS WITH AMENDMENT.**

This bill strengthens municipalities' right to assist in the preservation of open space by adding language to the original statute requiring such lands to be of demonstrated public purpose. The criteria needed to show that such lands provide "a demonstrated public benefit" are also included in the bill. Vote 15-0. Rep. Martha Fuller Clark for Municipal and County Government.

#### Amendment

Amend the bill by replacing section 7 with the following:

7 New Section; Test for Demonstrated Public Benefit. Amend RSA 79-B:4 by inserting after paragraph V the following new paragraph:

VI. A permanent conservation restriction on open space land shall be considered to provide a demonstrated public benefit if it protects, in perpetuity, at least one of the following values:

(a) The preservation of land for outdoor recreation by, or the education of, the general public, whereby:

(1) The general public must have the regular opportunity for access to and use of the land for pedestrian purposes; and

(2) The land has conservation and recreational values which make it attractive for public use.

(b) A relatively natural habitat for fish, wildlife, or plants, or similar ecosystem whereby:

(1) The property must be in a relatively natural state; and

(2) Rare or endangered or threatened species must be present; or the property must contribute to the ecological viability of a park or other conservation area; or it must otherwise represent a high quality native terrestrial or aquatic ecosystem.

(c) The preservation of open space land, whereby:

(1) There is scenic enjoyment by the general public from a public way or from public waters; or

(2) The open space protection is pursuant to a clearly delineated federal, state, or local government conservation policy.

(d) The preservation of an historically important land area whereby:

(1) The property is either independently significant due to recorded local, regional or state history, or is within a historic district; or

(2) The property is immediately adjacent to a historic district; or

(3) The land's physical or environmental features contribute to the historic or cultural integrity of a property listed on the National Register of Historic Places.

8 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill amends the law on conservation restriction assessments by:

(1) Changing what constitutes conservation restriction land.

(2) Changing what constitutes developed land.

(3) Adding new definitions for a qualifying conservation nonprofit corporation and for a qualifying conservation restriction.

(4) Changing the basis for assessing restricted land.

(5) By adding the requirement that a permanent conservation restriction on open space land shall be considered to provide a demonstrated public benefit if it protects, in perpetuity, at least one of a list of values.

**HB 494-FN**, relative to residency requirements for general assistance. **INEXPEDIENT TO LEGISLATE**.

Although the current economic situation has increased the welfare load in our towns, the intent of this bill to ease this burden would create more problems than it solves. The Committee unanimously agreed that the existing policy of settlement should continue. Vote 17-0. Rep. Fredrik Peyron for Municipal and County Government.

**HB 513-FN**, relative to the eminent domain procedure act and unpaid taxes. **ought to PASS WITH AMENDMENT**.

This bill, as amended, modifies the eminent domain procedures act by requiring municipal condemnees, at the request of the condemnor, to furnish the condemnor with the estimated amount of unpaid taxes, fees and interest owed on the property pursuant to RSA 80. Failure to timely provide such estimate shall not affect any right of a municipal condemnee to collect the taxes, fees, and interest owed.

This bill intends that the municipality will receive money owed to it for taxes. All testimony was in support of this bill. Vote 16-0. Rep. Thomas B. Salatiello for Municipal and County Government.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

I Definition Changed. Amend RSA 498-A:2, II to read as follows:

II. "Condemnee" means the owner of record of property taken or to be taken, including tenants for life or years, remaindermen, reversioners, and holders of undischarged mortgages of record whose mortgages are dated not earlier than 20 years prior to the date of the filing of declaration of taking, *municipalities with respect to unpaid taxes, fees and interest for which the municipality has been granted a lien or other interest in the property under the provisions of RSA 80*, and guardians ad litem appointed pursuant to the provisions of this chapter. This definition does not include judgment creditors or other lien holders;

2 Unpaid Taxes; Municipality's Authority to Collect Taxes. Amend RSA 498-A:4, I by inserting after subparagraph (b) the following new subparagraph:

(c) Within 10 days of receipt of a notice of offer provided for in paragraph II of this section a municipal condemnee shall, at the request of the condemnor, furnish the condemnor with the estimated amount of unpaid taxes, fees and interest for which notice has not been recorded at the registry of deeds for the county in which the property is located. Failure to timely provide such estimate shall not affect any right of a municipal condemnee under this chapter.

3 Effective Date. This act shall take effect January 1, 1992.

### AMENDED ANALYSIS

This bill modifies the eminent domain procedures act by requiring municipal condemnees, at the request of the condemnor, to furnish the condemnor with the estimated amount of unpaid taxes, fees and interest owed on the property pursuant to

RSA 80. Failure to timely provide such estimate shall not affect any right of a municipal condemnee to collect the taxes, fees and interest owed.

**HB 514-FN**, relative to special town meetings. OUGHT TO PASS.

This bill requires selectmen to forward a copy of petition and warrant articles for a special town meeting to the Department of Revenue Administration on or before the date they are filed with the Superior Court. Current law requires notification to the Department 10 days prior to filing with the court. Vote 11-0. Rep. Karen O. Wadsworth for Municipal and County Government.

**HB 516**, relative to library trustees' authority to accept gifts. OUGHT TO PASS.

This bill authorizes public library trustees to actively seek, receive and expend money from private, state or federal sources without further action by the town meeting. The provisions of this bill do not obviate the requirement of proper fiscal accounting practices on the part of the library trustees. Vote 14-0. Rep. Martha Fuller Clark for Municipal and County Government.

**HB 519-FN**, relative to municipal budget matters and the timber tax. OUGHT TO PASS WITH AMENDMENT.

This legislation, as proposed by the Department of Revenue Administration, clarifies the authority of the county delegation and special meetings of towns, village and school districts with regards to hearings and votes on the establishment of capital revenue accounts and with regard to withdrawals from such accounts. The second portion of the legislation requires timber cutters to furnish bonds before they cut timber in towns in which they do not own land, or in which they cease to own land. This eliminates the problem of current owners cutting timber, then selling the land without paying the timber tax on the timber, and leaving the town with no alternative to collect the timber tax. Vote 14-0. Rep. Paul A. Golden for Municipal and County Government.

#### Amendment

Amend RSA 79:3-a, I and II as inserted by section 3 of the bill by replacing them with the following:

*I. Until an owner has furnished a bond or other security to the town, no owner shall cut or cause to be cut growing wood and timber [who] if such owner:*

*(a) Does not own land in the town where he intends to cut [until he has furnished a bond or other security].*

*(b) Ceases to own land in the town where he is cutting after filing an intent to cut.*

*II. An owner who ceases to own land in the town where he is cutting after filing an intent to cut, shall notify the assessing officials, in writing, of the change in ownership within 15 days of such change. An owner who neglects to notify the assessing officials shall be guilty of a misdemeanor.*

**HB 523-FN**, relative to local cease and desist orders for zoning, planning and code violations. OUGHT TO PASS WITH AMENDMENT.

This gives the local enforcement official the ability to correct building violations with stronger methods than are now available under current law. Vote 11-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

### Amendment

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

**HB 524-FN**, to allow municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption. RE-REFER TO COMMITTEE.

This bill will be considered with other elderly property exemption bills, also being referred. Vote 11-0. Rep. John A. Middleton for Municipal and County Government.

**HB 540-FN**, to tax certain faculty quarters located at private educational institutions. RE-REFER TO COMMITTEE.

The Committee heard much testimony both in favor and opposed to the bill as written. It determined that the present law and court decisions on tax exempt status for faculty quarters need study. Hopefully, this issue can be thoroughly reviewed with the prospect of legislation brought forth to clarify this tax issue. Vote 13-1. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 547-FN**, relative to the date for the application of the optional veterans' exemption and the optional exemption for the surviving spouses of veterans in certain towns. OUGHT TO PASS.

House Bill 547 corrects a problem for towns that hold town meetings other than in March. It allows them to vote the increase in the enlarged veterans' tax credit and have it take effect April 1 of the same year. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

**HB 551**, relative to the distribution of taxes from towns to village districts. OUGHT TO PASS WITH AMENDMENT.

This bill provides required procedure for taxes and interest collected by the town for distribution to districts. Districts with annual budgets of less than \$200,000 shall receive disbursements annually. Districts with annual budgets of \$200,000 or more shall receive disbursements in the month next following collection.

Although most of the 82 districts in the state have no difficulty in getting revenues collected by the municipality, there are instances where the municipality has refused to pay the collected revenues promptly. Therefore, this bill clarifies through statute when payments are to be made. The majority of districts, because they are small, will not be affected by this legislation. Vote 14-0. Rep. Thomas B. Salatiello for Municipal and County Government.

### Amendment

Amend RSA 52:16, II as inserted by section 1 of the bill by replacing it with the following:

*II. In the case of districts with annual budgets of less than \$200,000, the town treasurer shall distribute the amount of taxes collected and held in trust by the town under paragraph I to the district treasurer no later than December 31, of each calendar year. In the case of districts with annual budgets of \$200,000 or more, the town treasurer shall distribute the amount of taxes collected and held in trust by the town under paragraph I by distributing to the district treasurer all taxes collected in any given calendar month by the end of the next following month. The town treasurer, furthermore, shall turn over to the district treasurer all interest earned on district tax revenues held in trust by the town and all interest collected by the town*



*on the account of any delinquent district taxpayers' district taxes in the same manner as the tax revenues are distributed.*

#### AMENDED ANALYSIS

This bill provides a distribution procedure for taxes and interest collected by the town for distribution to districts. Districts with annual budgets of less than \$200,000 shall receive disbursements annually. Districts with annual budgets of \$200,000 or more shall receive disbursements in the month next following collection.

**HB 556-FN**, relative to certain minor dependent children's eligibility for assistance. INEXPEDIENT TO LEGISLATE.

The sponsor asked that this bill be ruled Inexpedient to Legislate. The Committee concurred. Vote 14-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

**HB 564-FN**, enabling towns and cities to establish heritage commissions. REFER TO COMMITTEE.

The Committee believes that the concept of heritage commissions is an excellent one. The bill, however, needs to be re-referred to address certain technicalities of language and application, particularly with regard to the interface of heritage commissions with local planning boards and historic district commissions. Vote 12-1. Rep. Martha Fuller Clark for Municipal and County Government.

**HB 568-FN**, relative to zoning variances and exceptions. INEXPEDIENT TO LEGISLATE.

House Bill 568 would create a mandated cost to the municipalities in violation to Article 28-a of the Constitution. There are adequate statutes now to cover the bill's concerns. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

**HB 577**, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board. OUGHT TO PASS WITH AMENDMENT.

This bill provides that once an applicant has submitted a development application to the planning board, and the application has been accepted by the planning board as complete, the application shall not be affected by any subsequent zoning change or amendment by the local legislative body. The bill also adds language to take into account subsequent changes in site plan review regulations once a plat is approved by the planning board and recorded to the Registry of Deeds. The amendment re-emphasizes legislative intent. Vote 17-0. Rep. JoAnn T. Morse for Municipal and County Government.

#### Amendment

Amend the bill by replacing section 4 with the following:

4 Legislative Purpose. The purpose of sections 1-3 of this act is to confirm and re-emphasize the intent of the general court at the time of the enactment of 1986, 229:3 and 1983, 447:1. Municipalities may not retroactively amend local land use regulations or zoning ordinances for the purpose of stopping proposed projects or developments while an application is under consideration by the municipality. This act shall not be interpreted as changing the intent of any provision of 1986, 229 or 1983, 447.

5 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill confirms the intent of 1986, 229:3 by re-emphasizing that once an applicant has submitted a development application to the planning board, and the application has been accepted by the planning board as complete, the applicant shall not be affected by any subsequent zoning change or amendment made by the local legislative body.

The bill also confirms the intent of chapter 477:1 of the laws of 1983 by adding language to take into account subsequent changes in site plan review regulations once a plat is approved by the planning board and recorded in the registry of deeds.

**HB 586-FN**, relative to imposing liens for delinquent fees for recycling services provided by municipalities. **INEXPEDIENT TO LEGISLATE.**

Although the Committee lauds the intent of the sponsors, communities have existing methods to control recycling services and dealing with delinquent fees. This bill deals with an issue which had not been identified statewide as a major problem. The Committee was reluctant to allow communities to place liens on an individual's property because of delinquent recycling fees. Vote 14-1. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 587-FN**, relative to the resolution of public employee labor disputes. **INEXPEDIENT TO LEGISLATE.**

The Committee believes that passage of a law requiring municipalities to accept binding arbitration would constitute an unfunded mandate which is prohibited by Paragraph 28-a, Part First, of the New Hampshire Constitution. Furthermore, a law mandating binding arbitration of employee labor disputes would constitute a major shift in the policies of this state. The Committee does not favor such a change. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

**HB 595-FN**, relative to citations for building code and land use violations. **OUGHT TO PASS WITH AMENDMENT.**

This bill extends municipalities' enforcement powers over local land use and building code violations. The procedure parallels existing law for traffic citation procedures. It provides a less expensive remedy for towns and cities in those cases where there is no real dispute over the fact that a violation exists, but where the landowner has failed to respond to violation letters. Vote 15-0. Rep. Martha Fuller Clark for Municipal and County Government.

## Amendment

Amend the introductory paragraph of RSA 676:17-a as inserted by section 2 of the bill by replacing it with the following:

676:17-a Local Land Use Citations; Pleas by Mail. A building inspector or other local official with authority to prosecute an offense within the scope of RSA 676:17, and who, prior to or at the time of serving the summons, elects, pursuant to RSA 676:17, V, to charge the offense as a violation, may issue and serve upon the defendant, in addition to the summons, a local land use citation as set forth in this section. The defendant receiving such a citation may plead guilty or nolo contendere by mail by entering that plea as provided herein. If such a plea is accepted by the court, the defendant shall not be required to appear personally or by counsel; otherwise he shall appear as directed by the court. The following procedure shall be used:

Amend RSA 676:17-a, V(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Is defaulted in accordance with the provisions of paragraph IV of this section;

**HB 625-FN**, relative to hearings on tax abatements for property taxes. OUGHT TO PASS WITH AMENDMENT.

This bill eliminates existing confusion cited by the Board of Tax and Land Appeals and is a further tightening up of procedures relative to appeals for abatement of taxes. Vote 10-5. Rep. Karen O. Wadsworth for Municipal and County Government.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Hearing Procedure. Amend RSA 76:16 to read as follows:

76:16 By Selectmen or Assessors.

*I. Selectmen or assessors, for good cause shown, may abate any tax assessed by them or by their predecessors. Any person aggrieved by the assessment of a tax and who has complied with the requirements of RSA 74, may, within [60 days] 2 months after notice of the tax, and not afterwards, apply in writing to the selectmen or assessors for an abatement of the tax.*

*II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and grant or deny the application in writing within 4 months after notice of such tax, and failure to do so shall constitute a denial. "Notice of such tax" is defined in RSA 76:16-a, I.*

#### AMENDED ANALYSIS

The bill changes the filing period for requesting a tax abatement from the municipalities from 60 days to 2 months to make time periods consistent in the statute. The bill also makes explicit the town's existing duty to review and decide abatement applications, specifying a time period to complete such review and decision.

**HB 633-FN**, to clarify the handling of administrative fees required by local land use boards, relative to elected planning board members, and relative to the definition of "mayor" for planning and zoning purposes. OUGHT TO PASS.

This bill provides needed clarification regarding the handling of application and other administrative fees which a local land use board imposes and which will be spent in connection with that application. It also clarifies the composition of the planning board in towns with charters. This bill is an example of the Legislature's willingness to give municipalities more control in handling their fiscal affairs. Vote 16-0. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 652-FN**, relative to the duties of the board of tax and land appeals and the department of revenue administration. OUGHT TO PASS.

This bill was filed at the request of both the Department of Revenue Administration and the Board of Tax and Land Appeals. It removes a layer of bureaucracy and switches some minor functions from one group to the other. It will make processing of certain information more expeditious. In 1988, fees for all appeals to the BTLA were increased to \$40, but were inadvertently omitted from one section. The bill corrects the omission. Vote 14-0. Rep. Karen O. Wadsworth for Municipal and County Government.

**HB 680-FN**, relative to manufactured housing on the land of another. OUGHT TO PASS.

The Committee received substantial testimony from mobile home owners, tenants associations and owners of manufactured housing parks in support of this bill. Mobile

homes have been considered real estate property since 1983 and this bill gives owners of mobile homes the same rights as other homeowners. Therefore, it is the unanimous opinion of the Committee that since mobile homes are classified as manufactured housing and treated as real estate, property tax bills should be sent to homeowners, not park owners. Vote 17-0. Rep. Thomas B. Salatiello for Municipal and County Government.

**HB 690-FN**, relative to a supplemental property tax. INEXPEDIENT TO LEGISLATE.

It was the feeling of the Committee that this bill has some merit. However, the testimony heard indicated the bill needs a lot more work to make the bill practical. The sponsors agreed. Vote 17-0. Rep. Fredrik Peyron for Municipal and County Government.

**HB 697-FN**, relative to compliance with local codes and zoning ordinances and the operation of child day care agencies. RE-REFER TO COMMITTEE.

Testimony on this bill made it clear that this is a subject which deserves careful consideration. While the bill is a result of a lengthy study by those concerned with providing home day care, it needs to be studied in the context of planning and zoning statutes. The Committee would like time to try to solve the zoning problems faced by home day care providers without usurping local control. Vote 17-0. Rep. Karen O. Wadsworth for Municipal and County Government.

**HB 724-FN**, requiring a waiting period for certain applicants for public assistance. INEXPEDIENT TO LEGISLATE.

This bill is Inexpedient to Legislate at the request of the sponsors. Vote 16-0. Rep. Martha Fuller Clark for Municipal and County Government.

**HB 751-FN**, concerning the procedure for local enforcement of certain state environmental laws. OUGHT TO PASS WITH AMENDMENT.

Environmentally oriented laws and regulations are increasing in number and complexity at both federal and state levels. Public awareness and sensitivity to the environment is significant. This bill permits towns and cities to seek Superior Court relief for violations of certain state environmental laws. The Committee feels that local officials should not remain powerless over these violations in those cases where state officials cannot respond in a timely manner. The amendment permits towns and cities to seek only injunctive relief rather than any fine or penalty, and requires 30 days advance notice to the Attorney General and the Department of Environmental Services, unless that delay would cause serious or irreparable public harm. Vote 17-0. Rep. Richard T. Trelfa for Municipal and County Government.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Air Pollution Enforcement. Amend RSA 125-C:15 by inserting after paragraph II, the following new paragraphs:

III. Municipalities may apply to a justice of the superior court for ex parte, temporary, or permanent injunctive relief or any combination of such injunctive relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall notify the attorney general and the commissioner of environmental services 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmen-



tal damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event any later than concurrently with the commencement of the action. In any such action, the municipality shall recover its costs and reasonable attorney's fees if it is found to be the prevailing party.

IV. In any injunctive action under this section, proof of the violation shall be deemed a sufficient showing of irreparable harm.

2 New Paragraphs; Illegal Waste Disposal Enforcement. Amend RSA 149-M:12 by inserting after paragraph V, the following new paragraphs:

VI. Municipalities may apply to a justice of the superior court for ex parte, temporary, or permanent injunctive relief or any combination of such injunctive relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall notify the attorney general and the commissioner of environmental services 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event any later than concurrently with the commencement of the action. In any such action, the municipality shall recover its costs and reasonable attorney's fees if it is found to be the prevailing party.

VII. In any injunctive action under this section, proof of the violation shall be deemed a sufficient showing of irreparable harm.

3 Wetlands Enforcement. Amend RSA 482-A:14-b to read as follows:

482-A:14-b Removal; Restoration; Equity Relief.

I. Whoever fails, neglects or refuses to comply with this chapter or rules adopted under this chapter, or an order or condition of a permit issued under this chapter, or misrepresents any material fact made in connection with any activity regulated or prohibited by this chapter, whether or not the owner of the land in question, shall be liable for the removal of fill, spoil or structure placed pursuant to such a violation and the restoration of any wetlands disturbed in connection with the violation. The superior court shall have jurisdiction to order such relief and such additional relief in equity as may be appropriate.

*II. Municipalities may apply to a justice of the superior court for ex parte, temporary, or permanent injunctive relief or any combination of such injunctive relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall notify the attorney general and the commissioner of environmental services 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event any later than concurrently with the commencement of the action. In any such action, the municipality shall recover its costs and reasonable attorney's fees if it is found to be the prevailing party.*

*III. In any injunctive action under this section, proof of the violation shall be deemed a sufficient showing of irreparable harm.*

4 Drinking Water Enforcement. Amend RSA 485:20 to read as follows:

485:20 Injunctions. The superior court shall have power to issue injunctions restraining any person from violating the provisions of [the preceding section] *this subdivision.*

*II. Municipalities may apply to a justice of the superior court for ex parte, temporary, or permanent injunctive relief or any combination of such injunctive*

*relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall notify the attorney general and the commissioner of environmental services 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event any later than concurrently with the commencement of the action. In any such action, the municipality shall recover its costs and reasonable attorney's fees if it is found to be the prevailing party.*

*III. In any injunctive action under this section, proof of the violation shall be deemed a sufficient showing of irreparable harm.*

5 New Paragraphs; Surface Waters Enforcement. Amend RSA 485-A:22 by inserting after paragraph III the following new paragraphs:

III-a. Municipalities may apply to a justice of the superior court for ex parte, temporary, or permanent injunctive relief or any combination of such injunctive relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall notify the attorney general and the commissioner of environmental services 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event any later than concurrently with the commencement of the action. In any such action, the municipality shall recover its costs and reasonable attorney's fees if it is found to be the prevailing party.

III-b. In any injunctive action under this section, proof of the violation shall be deemed a sufficient showing of irreparable harm.

6 Sewage Disposal Enforcement. Amend RSA 485-A:44 to read as follows:

485-A:44 Injunction to Enforce.

I. On application of the division, the superior court or any justice of the court, in term time or in vacation, may enjoin any act in violation of this subdivision.

*II. Municipalities may apply to a justice of the superior court for ex parte, temporary, or permanent injunctive relief or any combination of such injunctive relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall notify the attorney general and the commissioner of environmental services 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case such notice shall be given as soon as practicable, but in no event any later than concurrently with the commencement of the action. In any such action, the municipality shall recover its costs and reasonable attorney's fees if it is found to be the prevailing party.*

*III. In any injunctive action under this section, proof of the violation shall be deemed a sufficient showing of irreparable harm.*

7 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill establishes the procedure for municipalities to follow to obtain ex parte, temporary or permanent injunctive relief or any combination of such injunctive relief against existing or impending violations of certain of the state's environmental laws.

**HB 774-FN**, relative to charter commission membership and procedure. **INEXPEDIENT TO LEGISLATE.**

This piece of legislation is not needed inasmuch as there is existing legal procedure to allow the action as proposed by this bill. Vote 17-0. Rep. Gabriel J. Daneault for Municipal and County Government.

**HB 173-FN**, establishing a committee to study recodification of the fire laws. **ought to pass with amendment.**

House Bill 173 establishes a committee to study RSA 154 relative to duties and powers of firewards. A few years ago a committee was established to study all fire laws. This committee met and asked for additional time to produce its report and failed to do so. This bill will approach the subject on a limited basis, dealing only with the outdated statutes concerning a "fireward" system of organizing and regulating volunteer fire departments. Vote 10-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to study certain provisions of RSA 154  
relative to powers and duties of firewards.

Amend the bill by replacing all after the enacting clause with the following:

I Committee Established. There is established a committee to study recodification of certain fire laws of New Hampshire. The committee shall consist of the following members:

I. Two members of the house of representatives, appointed by the speaker of the house.

II. One member of the senate, appointed by the president of the senate.

III. The state fire marshal, or designee.

IV. A representative from the New Hampshire fire standards and training commission, appointed by the commissioner of safety.

V. A representative from the New Hampshire Association of Fire Chiefs, Inc., appointed by such association.

VI. A representative from the New Hampshire Municipal Association; appointed by such association.

VII. Two public members, appointed by the governor.

2 Meetings; Chair; Mileage.

I. Appointments to the committee shall be made within 30 days of the effective date of this act, and the first meeting of the committee shall be called by the first-named house member and shall be held within 60 days of the effective date of this act. The committee shall elect a chair at its first meeting.

II. The committee shall receive the cooperation and technical assistance of any state agency as may be required. The legislative members shall receive legislative mileage in connection with the committee's work.

III. The office of legislative services shall provide technical and legal assistance to the committee, and the director of legislative services is authorized, subject to approval of the legislative facilities committee, to contract with such additional personnel as may be required.

3 Duties; Report. The primary duty of the committee shall be to study the provisions of RSA 154 relating to powers and duties of firewards, and any other relevant fire laws of the state of New Hampshire. The committee shall submit its findings together with its recommendations for proposed legislation to the speaker of the house, the president of the senate and the governor on or before November 1, 1991.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study the provisions of RSA 154 relating to powers and duties of firewards, and other fire laws in the state of New Hampshire. The committee is to submit a report with its recommendations for proposed legislation to the speaker of the house, the president of the senate, and the governor on or before November 1, 1991.

**HB 282-FN**, relative to the BOCA Basic Building Code and the Life Safety Code. OUGHT TO PASS WITH AMENDMENT.

By statute, the State of New Hampshire has adopted the "Building Officials and Code Administration BOCA Code" and the "Life Safety Code" of the National Fire Protection Association. These codes prescribe fire and safety standards in all buildings constructed by the state and its agencies. The codes are periodically updated to reflect the latest thinking and procedures in construction and fire and safety standards. This legislation allows the state Fire Marshal to adopt the most current editions of the codes, then the means of "interim rules," to require action within a reasonable time, while the standard rulemaking process is in being. Vote 13-0. Rep George R. Rubin for Public Protection and Veterans Affairs.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Rulemaking Added. Amend RSA 153:5 to read as follows:  
153:5 Rules.

*I.* The state fire marshal shall adopt rules, with the approval of the commissioner of safety, to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety and building laws as he shall deem necessary for the protection from fire and fire hazards for people in the state and for the general welfare of property and people within the state. The rules may include, but not be limited to, the keeping, storage, use, manufacture, sale, handling, transportation or disposal of highly flammable materials and rubbish, and of flammable fluids and compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes. The fire marshal may adopt *the most recent edition of the* provisions of the national fire protection association code or other recognized codes as rules, in whole or in part; however, such rules shall not require automatic suppressant or sprinkler systems in areas of buildings or additions, in which the discharge of water would be undesirable as determined by the state fire marshal, or in rooms or areas containing either generators, transformers, telecommunications equipment or facilities or electronic data processing equipment, or in facilities in which rooms or areas are protected with an automatic fire alarm system]. The rules shall apply to the construction and remodeling of buildings and structures for the containment of flammable liquids and to the new installation and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures or equip-



ment. The fire marshal may exempt a building, structure or equipment from such rules if he finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

*II. No rule adopted pursuant to paragraph I of this section shall require, in any building owned or occupied by a political subdivision of the state as of January 1, 1992, automatic suppressant or sprinkler systems in areas in which the discharge of water would be undesirable as determined by the state fire marshal, or in rooms or areas containing generators, transformers, telecommunications equipment or facilities, or electronic data processing equipment, or in facilities in which rooms or areas are protected with an automatic fire alarm system. For purposes of this paragraph, "political subdivision" shall have the same meaning as it does under Part I, Article 28-a of the New Hampshire constitution.*

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect Jan. 1, 1992.

#### AMENDED ANALYSIS

This bill clarifies which versions of the BOCA code and the Life Safety Code are in effect for public buildings.

The bill also prohibits the state fire marshal from adopting any rule to require in buildings owned or occupied by a political subdivision of the state as of the effective date of this bill automatic suppressant or sprinkler systems in areas in which the discharge of water would be undesirable or in certain other areas.

**HB 465**, relative to a state veterans cemetery at Pease Air Force Base. OUGHT TO PASS WITH AMENDMENT.

The "Subcommittee on Veterans Cemeteries" spent considerable time on site at the Pease Air Force facility, exploring sites for a proposed veterans cemetery. The Subcommittee was most favorably impressed with a 100 acre site in the Wildlife Refuge Area. This site has a suitable road network, certain usable structures and terrain which is suitable for in-ground interments. The amendment divides responsibility for the cemetery, if it comes into being, between the New Hampshire State Veterans Council for rules and regulations as to eligibility for interment therein, and the New Hampshire Department of Transportation for the planning and physical development of the cemetery. The location in the Wildlife Refuge Area has been approved by the Pease Redevelopment Authority. Vote 13-0. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to a veterans' cemetery at the Pease Air Force facilities under the Pease development authority.

Amend the bill by replacing section 1 with the following:

1 Veterans' Cemetery. When and if land at the Pease Air Force facilities under the Pease development authority becomes available to the state for development as a veterans' cemetery, the department of transportation shall be authorized to plan and develop such cemetery and to accept public and private funds for the purpose of establishing such cemetery. The state veterans council shall adopt rules under RSA 541-A relative to the priorities for interment in the cemetery.

#### AMENDED ANALYSIS

This bill permits the department of transportation to plan and accept public and private funds for the establishment of a veterans' cemetery on land at the Pease Air Force facilities, when and if such land becomes available to the state for this purpose. The state veterans council is granted rulemaking authority relative to priorities for interment in the cemetery.

Rep. Thomas J. Christie notified the Clerk that he wished to be recorded in favor of HB 465.

**HB 583-FN**, relative to carrying pistols and revolvers. **OUGHT TO PASS WITH AMENDMENT.**

This legislation affects several changes in the procedures for licensing the carrying of handguns. The period of license is extended from two to four years, with commensurate increase of local fees from \$4 to \$8 for New Hampshire residents, and from \$10 to \$20 for out-of-state permittees, for whom the license permit also is increased from two to four years. A major change in permit procedure is that after the eighth year, the next permit shall be in effect "until revoked," which means that the permit could be in effect for the permittee's lifetime.

Additionally, the present application form, provided by the State Police, shall be the only such form to be used by municipal licensing officials.

The Committee felt that no changes should be made in the present procedure pertaining to out-of-state peace officers requiring New Hampshire permits; this would permit the State Police to maintain the same measure of knowledge and control over out-of-state peace officers carrying handguns into New Hampshire, as they do over all other out-of-staters. Vote 14-0. Rep. Robert J. Daly for Public Protection and Veterans Affairs.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Licenses to Carry Loaded Pistols and Revolvers. Amend RSA 159:6 to read as follows:

159:6 License to Carry. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of said town or city, or the director of state police, or some person designated by him, upon application of a nonresident, shall issue a license to such applicant authorizing him to carry a loaded pistol or revolver in this state for not more than [2] 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any proper purpose, and that he is a suitable person to be licensed. Hunting or target shooting shall be considered a proper purpose. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [2] 4

years. *Notwithstanding any other provisions of this section, any resident who has held a valid license under this section for an uninterrupted period of 8 years, may, upon the first subsequent application for a license by such person, be issued a license that shall be valid until and unless revoked in accordance with RSA 159:6-b.*

[The license] *All licenses* shall be issued within 14 days after application therefore, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy thereof kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be [\$4] **\$8**, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be [\$10] **\$20**, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter *and forms for the application for such licenses* and to supply the same to officials of the cities and towns authorized to issue said licenses. *No other forms shall be used by officials of cities and towns.* The cost of said forms shall be paid out of the fees received from nonresident licenses.

2 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill increases the term of licenses granted to residents to carry loaded pistols and revolvers from 2 years to 4 years. It allows certain residents to hold licenses for a term longer than 4 years. The bill raises resident fees for such licenses from \$4 to \$8 and nonresident fees for such licenses from \$10 to \$20. The bill requires town and city officials to use forms for license applications and licenses provided by the director of the division of state police.

**HB 425**, enabling the state and counties to contract with private entities to manage and operate state and county correctional facilities. RE-REFER TO COMMITTEE.

There are a number of questions and concerns from the Governor and other interested parties concerning privatization of prisons and the Committee would like to have the time to adequately address these concerns to everyone's satisfaction. Vote 13-1. Rep. Gene G. Chandler for Public Works.

**HB 553-FN**, relative to the Bridge Street Bridge over Storrs Street in the city of Concord. OUGHT TO PASS.

Funding for replacement of the Washington Street Bridge in Penacook having been provided already utilizing local impact fees, this bill requests transfer of funding priority to the Bridge Street Bridge over Storrs Street which has deteriorated at an unexpectedly rapid rate. Because Bridge Street carries heavy east-west traffic on New Hampshire Route 9, the request was supported at the hearing by the New Hampshire Department of Transportation. Vote 14-0. Rep. John F. Weeks, Jr. for Public Works.

**HB 723-FN**, relative to Concord - state cooperation. OUGHT TO PASS WITH AMENDMENT.

This bill requires that, prior to a state purchase, taking or disposal of real estate within the Concord area, the State Capitol Region Planning Commission shall be notified for its consideration of the matter. Vote 13-2. Rep. Peter M. Stio for Public Works.

### Amendment

Amend the bill by deleting section 3 and renumbering sections 4 - 6 to read as 3 - 5, respectively.

Amend 1965, 345:4 as inserted by section 4 of the bill by replacing it with the following:

345:4 Report. The commission shall examine and make recommendations concerning issues confronting the city of Concord and adjacent towns as a capitol city and region. The commission shall report on July 1 of each year to the governor and council, the mayor of Concord, the senate president and the speaker of the house. The reports may be made more frequently if desired by the commission. *Prior to state purchase or acquisition of any land or buildings within the city of Concord or the Concord region in accordance with RSA 4:29 and 4:30 or disposal of any state-owned real estate within the city of Concord or the Concord region in accordance with RSA 4:40, the commission shall report any contemplated purchase or sale, as it relates to the plan developed under section 1 of this act, to the governor and council.*

### AMENDED ANALYSIS

This bill requires that, prior to a state purchase or taking of real estate within the capitol region, the state-capitol-region planning commission shall be provided notice and shall report the contemplated purchase or taking to the governor and council as it relates to the plan for the development of the central government area and facilities in the city of Concord.

**HB 782-FN**, renaming the Piscataqua River bridge. **INEXPEDIENT TO LEGISLATE.**

Mr. David H. Stevens was obviously a very special individual who served the state of Maine with great ability for over 30 years. The vote of the Committee should in no way be interpreted as a disrespect to Mr. Stevens' memory or, as a doubt that Mr. Stevens had a permanent and positive effect on the governing authorities which he served.

In what proved to be a most difficult vote, the Committee believes that this most monumental bridge which joins New Hampshire and Maine should remain entitled: "The Piscataqua River Bridge," and any renaming of it should be reserved, especially given that the Maine Legislature has yet to endorse similar legislation. Vote 8-6. Rep. David J. Alukonis for Public Works.

**HCR 6**, urging the New Hampshire department of transportation to establish and implement an "Adopt-a-Highway" program. **INEXPEDIENT TO LEGISLATE.**

This resolution would urge the Department of Transportation to establish an "Adopt-a-highway" program similar to those in various other states, whereby local volunteer groups are encouraged to "adopt" a section of highway and provide trash pick-up and other roadside beautification services. Although its intent is laudable, the Committee did not support the proposal because of concerns about safety and possible excessive state liability exposure. Vote 13-1. Rep. John F. Weeks, Jr. for Public Works.

**HB 390**, relative to technical corrections in the liquor laws. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 390 makes technical corrections to the Liquor Laws. House Bill 1410 (recodification of title 13) became law July 1, 1990. Since then numerous errors and



omissions have been brought to the Committee's attention. The Committee endorses these corrections and asks your support on the amendment. Vote 19-0. Rep. Thomas A. Behrens for Regulated Revenues.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Billboard; Definition. Amend RSA 175:1 by inserting after paragraph XI the following new paragraph:

XI-a. "Billboard" means a large, flat surface, panel, wall, or fence outside on which advertising is posted, written or carried, or specifically authorized signs where the lettering advertising beverages or liquor exceeds 10 inches in height and is visible to the general or non-paying public.

2 New Paragraph; Common Carrier; Definition. Amend RSA 175:1 by inserting after paragraph XXIV the following new paragraph:

XXIV-a. "Common carrier" means a person who, for a fee, provides public transportation of goods or persons and who is licensed by the Interstate Commerce Commission or the New Hampshire department of safety.

3 New Paragraph; Happy Hour; Definition. Amend RSA 175:1 by inserting after paragraph XXXVI the following new paragraph:

XXXVI-a. "Happy hour" means any specific or special time period, advertised or not, which is promoted by a licensee and during which beverages are or liquor is sold at discounted or reduced prices to individuals or groups. Happy hour shall include, but not be limited to, so called "ladies' or men's nights." Champagne brunches and similar package offerings, however, shall not be included.

4 Reference Inserted. Amend RSA 175:1, XLIII to read as follows:

XLIII. "Liquor and wine import warehouse" means a person holding a liquor or wine vendor's license or both as issued by the commission, who maintains a warehouse for product storage, and the appropriate records of his business operations. An importer shall sell liquor and wine only to the commission [or], to out-of-state entities, *or as provided by RSA 178:5, II.*

5 New Paragraphs; Primary Source; Private Group; Definition. Amend RSA 175:1 by inserting after paragraph LIV the following new paragraphs:

LIV-a. "Primary source" means the distiller, producer, owner of the commodity at the time it became a marketable product, bottler or exclusive agent of any such distributor or owner. In the case of imported products, the primary source of supply means either the foreign producer, owner, bottler or agent or the prime importer from, or the exclusive agent in, the United States of the foreign distiller, producer, bottler or owner.

LIV-b. "Private group" means an assembly of persons gathered for a designated social or business occasion, present by invitation or reservation and shall not be construed to mean the general public.

6 New Paragraph; Public Building; Definition. Amend RSA 175:1 by inserting after paragraph LV the following new paragraph:

LV-a. "Public building" means any building maintained and available for any person, group, or organization, which may include retail business establishments, when they are not open to the public; licensed premises, provided there is a physical immovable barrier between the licensed business and the rented area; and tents, gazebos, or other defined outdoor areas, provided 2 separate toilet facilities are located in

the immediate vicinity. A public building shall not be construed to mean a private residence.

7 Motor Vehicle Racetracks. Amend RSA 175:1, LVI to read as follows:

LVI. "Racetrack" means a facility which is licensed by the state's pari-mutuel commission, for pari-mutuel betting purposes *or a commercial motor vehicle race-track facility with a paved course of at least 1/2 mile and seating for at least 20,000 persons.*

8 Changing Obsolete Reference to Public Utilities Commission. Amend RSA 175:1, LXV to read as follows:

LXV. "Vessel" means a boat, ship or vessel approved by the U.S. Coast Guard or [public utilities commission] *department of safety*, whichever shall apply, for hire, operating out of any port of the state.

9 Transportation of Liquor. Amend RSA 175:6 to read as follows:

175:6 Transportation of Liquor. No person shall transport liquor in this state in a greater quantity than 3 quarts, unless said liquor was purchased from a state store or from a holder of a combination or retail wine license in accordance with RSA 178:16 and RSA 178:17 or from a winery holding a limited winery special sales license in accordance with RSA 178:6. Provided, however, that the commission in its discretion may grant to an individual, upon application, a license to transport for a specific journey liquor not purchased at a state store for his own personal use, in a quantity not to exceed 3 gallons. Quantities exceeding 3 gallons may be transferred with a license issued by the commission providing a fee of 25 percent of the entire value of the product is paid to the commission. *It shall be lawful for import warehousemen, under rules adopted by the commission pursuant to RSA 541-A to transport liquor as provided by RSA 178:5, II.* It shall be lawful for common carriers to transport liquor to state stores, to state warehouses, to licensees under this title, to purchasers of liquor at state stores, and from manufacturers to state warehouses, state stores, and to the state line for transportation outside the state; for licensees under this title to transport liquor from state stores to their place of business; and for manufacturers to transport within the state to state warehouses and state stores and to the state line for transportation outside the state.

10 Changing Obsolete Reference to State Personnel Commission. Amend RSA 176:7 to read as follows:

176:7 Assistants. The state liquor commission may employ such assistants as are, in its opinion, necessary for the proper transaction of its business, and fix their compensation, subject to the [regulations] *rules* of the [state] *director of* personnel [commission]. It may secure any necessary technical or professional assistance.

11 Changing Obsolete Reference to Department of Personnel. Amend RSA 176:8, I to read as follows:

I. There shall be a chief of licensing and enforcement who shall report to the commission. He shall have such labor grade as may be determined by the [department] *division* of personnel. He shall supervise the day-to-day activities of the commission's enforcement and licensing functions. The chief shall handle all license applications. The chief shall make recommendations, in writing, to the commission, on whether to grant the license application. The commission shall then either grant or deny the request, stating their reasons in writing. An aggrieved applicant may appeal the commission's decision to the commission as a whole. Revocations and suspensions of licenses shall follow the same procedure.

12 Changing Obsolete Reference to Department of Personnel. Amend RSA 176:9, I to read as follows:

I. The commission may, subject to rules adopted by the [department] *director* of personnel, employ and dismiss liquor investigators. Liquor investigators shall, under the direction of the commission, investigate any or all matters arising under this title.

13 Changing an Obsolete Cross Reference. Amend RSA 176:10 to read as follows:

176:10 Preference Given. Any person who served for not less than 90 days in the armed forces of the United States during "any war in which the United States was engaged, and received an honorable discharge from such service," shall be given preference in appointment under the provisions of RSA 176:7, RSA 176:9, RSA 177:4, and RSA 179:59, if qualified [therefor and if registered in accordance with the provisions of RSA 283:7] *for such positions*.

14 Changing Obsolete Reference to State Purchasing Agent. Amend RSA 176:11 to read as follows:

176:11 Commission to Sell. It shall be the duty of the commission to buy and have in its possession liquor for sale in the manner provided in this title. Such liquors shall be free from adulteration and misbranding within the meaning of the provisions of RSA 146. All liquors sold for medicinal use shall conform to the standards and tests for such liquors as laid down in the United States Pharmacopoeia, official at the time of sale. All purchases of liquor shall be made by the commission directly and not through the [office of the state purchasing agent] *department of administrative services*. The commission shall be subject to all the provisions so far as applicable of RSA 9.

15 Changing Obsolete Reference to State Purchasing Agent. Amend RSA 176:15 to read as follows:

176:15 Insurance. The commission shall have power to insure the state liquor warehouse or warehouses and contents against fire and sprinkler damage and such insurance shall be purchased through the [director of purchase and property] *department of administrative services* after consultation with the board of approval established by RSA 93-B:2.

16 Purchases from Primary Sources. Amend RSA 176:17 to read as follows:

176:17 Purchases by the Liquor Commission. The liquor commission shall purchase all liquor[, wine, and beverages] from primary sources. [For the purposes of this title, primary source means the manufacturer or producer, whether or not it is within the state. If a primary source is not available.] The commission *may waive the requirement of primary source and* shall vote at its regular meeting to allow [an] *such* exemption and shall explain why such exemption has been allowed.

17 Changing Obsolete Reference to State Personnel Commission. Amend RSA 177:4 to read as follows:

177:4 Operation of State Stores; Salespersons. The commission may in its discretion operate stores for the sale of liquor in such cities and towns as shall have accepted the provisions hereof as hereinafter provided, and, subject to the [state personnel] rules *of the director of personnel*, and within the limits of available appropriations and funds, may employ salespersons to sell liquor in said stores. Any salesperson employed for any store shall have been a resident of the state for at least 6 months prior to such employment. The salaries of such salespersons shall not be governed by the amount of sales. No salesperson employed to sell liquor under the provisions of this chapter shall sell liquor except such as may be legally obtained under the provisions of this title.



18 Changing Obsolete Reference to State Personnel Commission. Amend RSA 177:5 to read as follows:

177:5 Sunday and Holiday Openings. Notwithstanding any other provision of law, the commission may, in its discretion, open for business on any Sunday or legal holiday any state liquor store located on a main route where traffic is heavy; provided, however, that no state liquor store may be opened for business at any time on January 1, Easter, Thanksgiving day, whenever appointed, and Christmas day. Although full-time employees shall be given the option of working, no such employee shall be required to work on such days. The commission may employ part-time employees, subject to the rules of the [state personnel commission] *director of personnel*, to staff stores open on Sundays or holidays. Any full-time employee who works on such days shall be paid 1-1/2 times his regular rate of pay for the actual number of hours worked.

19 Reference Added. Amend RSA 177:6 to read as follows:

177:6 Liquor Dispensed Only Through Commission. Except as provided in RSA 178:5, II and RSA 178:6, II, no liquor shall be sold in any state store, nor by any sales agent, nor by any person holding an on-sale or off-sale retail license under RSA 178, except that obtained from the commission.

20 Liquor Vendor License. Amend RSA 178:4 to read as follows:

178:4 Liquor Vendor License. Except as provided in RSA 178:6, II, any person desiring to sell liquor, other than table wine, shall register to do business with the commission, designate a licensed liquor representative, and obtain a liquor vendor license. A liquor company shall be defined for the purpose of this section as [a firm] *an individual*, partnership, or corporation. The vendor's license shall expire annually on the last day of the month of the incorporation or other organization of the liquor company and shall be renewed annually by the commission, upon application, unless the commission finds, after notice and hearing, that the renewal of such license would be against the public interest.

21 Grammatical Correction. Amend the section heading of RSA 178:6 to read as follows:

178:6 Wine [Manufacturer's] *Manufacturer* License.

22 Designating Representative. Amend RSA 178:7 to read as follows:

178:7 Table Wine Vendor License. Except as provided in RSA 178:6, II, no table wine shall be sold in this state except to the state liquor commission unless the manufacturer thereof holds a valid wine vendor license pursuant to the provisions of this chapter. Such wine vendor license shall be issued by the commission upon application for such license and payment of the required fee unless the commission finds the issuance of such a license is not consistent with the purposes of this title; provided, that the license shall not be granted unless and until such manufacturer shall have made a written agreement with the commission to comply with the rules adopted by the commission. *Each table wine vendor licensed shall designate a licensed liquor and wine representative for its product.* If a manufacturer fails to comply with said agreement or fails to comply with any law or rule, the commission may in its discretion suspend or revoke such license.

23 Compatible Licenses. Amend RSA 178:8 to read as follows:

178:8 Liquor and Wine Representative License. A liquor and wine representative license shall authorize its holder to offer for sale or solicit orders for the sale of any liquor or wine, if the vendor of such liquor or wine is the holder of a *liquor manufacturer or a liquor or wine vendor license*. A licensed liquor and wine representative



may also employ registered salespersons in accordance with RSA 178:9. A liquor or wine representative may not hold any other license except a liquor and wine [importer's] *importer* license, a liquor [vendor's] *vendor* license, a wine [vendor's] *vendor* license, [and] a liquor [manufacturer's] *manufacturer* license *and a beverage representative license*. The annual fee shall be due on the last day of the month of the licensee's birthday or, when the licensee is not a natural person, on the last day of the month of the licensee's incorporation or other organization. The commission shall approve all applications for licenses authorized under this section unless it shall have good cause not to approve one.

24 New Paragraphs; Beverage Manufacturer License. Amend RSA 178:10 by inserting after paragraph IV the following new paragraphs:

V. A manufacturer producing not more than 4,000 barrels of beverages within the state per year may sell beverages manufactured on his licensed premises directly to retail licensees subject to the provisions of RSA 178:30. The manufacturer of beverages producing not more than 4,000 barrels of beverages within this state per year may not sell to wholesale distributors without obtaining a beverage vendor license as required by RSA 178:12. Eighty-five percent of the beverages produced by such manufacturers in this state shall be sold within the state of New Hampshire.

VI. No person shall have through stock ownership, interlocking directors, or otherwise, an interest or control, either direct or indirect, in the business of the holder of a beverage manufacturer license unless he has been a resident of the state for at least 3 consecutive years immediately prior thereto. The provisions of this paragraph shall not apply to the renewal of beverage manufacturer permits which were in existence on March 1, 1991, nor shall it be deemed to refer to persons who acquired their interest as heirs-at-law or spouse of the deceased, by the law of intestate succession or, in the case of a will, those who acquired their interest under a will provided that such legatees are also heirs-at-law or spouse of the deceased.

25 Purchases by Retail Licensees. Amend RSA 178:13, IV to read as follows:

IV. The holder of a wholesale distributor license may hold one on-sale license with respect to the premises designated in such wholesale distributor license. The holder of a beverage manufacturer license shall not sell beverages to other licensees by virtue of such license unless he is also the holder of a beverage vendor license in this state. Retail licensees shall purchase only from holders of a wholesale distributor license *or directly from holders of a beverage manufacturer license producing not more than 4,000 barrels of beverages in this state per year as allowed under RSA 178:10.*

26 Change in Definition. Amend RSA 178:20, V(e)(3)(B) to read as follows:

(B) "Public building" means any building maintained and available for any person, group or organization, which may include retail business establishments, when they are not open to the public; licensed premises, provided there is a physical, unmovable barrier between the license business and the catered area; and tents, gazebos, or other defined outdoor areas, provided 2 separate toilet facilities are located in the immediate vicinity. A [private] *public* building shall [in no way] *not* be construed to mean a private residence.

27 Cocktail Lounges in Hotel Restaurants. Amend RSA 178:20, V(k) to read as follows:

(k) Hotel. The commission may issue a cocktail lounge license to any hotel holding a hotel full service restaurant license issued under RSA 178:19, II(b)(1) to serve liquor and beverages in any room of a hotel designated by the commission. No

cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the lounge may operate [one hour] **2 hours** before the dining room opens for the evening meal. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant of the hotel after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor and beverages need not be served with meals. [The number of guests allowed to use a dining area of the restaurant as a lounge on an overflow basis shall not exceed the number allowed to use the cocktail lounge area.] The commission may grant, regulate, suspend or revoke a cocktail lounge license without affecting any other license granted to a hotel.

28 Cocktail Lounges in Full Service Restaurants. Amend RSA 178:20, V(q) to read as follows:

(q) Full Service Restaurants. The commission may issue a cocktail lounge license to any full service restaurant holding a full service restaurant license under RSA 178:19, II(a)(1), to serve liquor and beverages in any room of the restaurant designated by the commission. The cocktail lounge shall be operated in conjunction with the dining rooms. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the cocktail lounge may operate [one hour] **2 hours** before the dining room opens for the evening meals. Liquor and beverages served in such room need not be consumed with meals. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor and beverages need not be served with meals. [The number of guests allowed to use a dining area of the restaurant as a lounge on an overflow basis shall not exceed the capacity of the lounge area.] Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such restaurants as shall demonstrate to the commission, in the manner prescribed by the commission, that at least 50 percent of the combined restaurant and lounge and lounge sales shall fall within the category of food. Restaurants with annual food sales of at least \$100,000 shall be exempt from the 50 percent requirement, and the commission shall prorate the annual food sale requirements for seasonal restaurants. The commission may grant, regulate, suspend or revoke a cocktail lounge license without affecting any other license granted to such restaurant.

29 Age of License Applicant. Amend RSA 178:24, VIII(c) to read as follows:

(c) The applicant, and any principal controlling owners, directors or officers disclosed pursuant to paragraphs VI and VII of this section, are at least [18] **21** years of age and of sufficiently good character to leave no substantial doubt that the proposed business shall be operated in strict accordance with all applicable state and federal alcoholic beverage control laws and rules.

30 Discounts. Amend RSA 178:26, I to read as follows:

I. When fixing the price for sale of liquor and wine to on-sale licensees, the commission may allow discounts of not more than 10 percent from the regular retail price on case lot orders F.O.B. the warehouse *or commission direct delivery system*.

31 Adding Military Clubs and Special Licenses. Amend RSA 178:27, I to read as follows:

## I. On-sale licensees shall pay the following applicable fees annually:

|                          | Supplemental<br>Only                                    | Beverages<br>and Wine | Beverages<br>and Liquor | Cocktail<br>Lounge |
|--------------------------|---|-----------------------|-------------------------|--------------------|
| Airport                  |   |                       |                         | \$1,200            |
| Alpine Slide             |   |                       |                         | 1,200              |
| Ballroom                 | \$45  |                       |                         | 1,200              |
| Bed and Breakfast        |   | \$480                 | \$840                   |                    |
| Bowling Facility         |   |                       |                         | 1,200              |
| Catering (all)           |   |                       |                         | 1,200              |
| Catering (off-site only) |   |                       |                         | 840                |
| <b>Club Military</b>     |   |                       |                         | <b>100</b>         |
| Club Social              | 18 events - 450<br>36 events - 750<br>52 events - 1,200 |                       |                         | 1,200              |
| Club Veterans            | 18 events - 450<br>36 events - 750<br>52 events - 1,200 |                       |                         | 840                |
| College Club             |   |                       |                         | 1,200              |
| Convention Center        |   |                       |                         | 2,400              |
| Dining Car               |   | 480                   |                         | 840                |
| Fairs                    |   | 112                   |                         |                    |
| Golf Facility            |   |                       |                         | 1,200              |
| Hotel                    |   |                       | 840                     | 1,200              |
| One Day License          |   |                       |                         | 100                |
| Performing Arts          |   |                       |                         | 336                |
| Race Track               |   |                       |                         | 3,000              |
| Racquet Sports           |   |                       |                         | 1,200              |
| Rail Cars                |   |                       |                         | 1,200              |
| Restaurant               |   | 480                   | 840                     | 1,200              |
| Ski Facility             |   |                       |                         | 1,200              |
| <b>Special License</b>   |   |                       | <b>25</b>               |                    |
| Vessel                   |   | 480                   | 840                     | 1,200              |

32 Beverage Vendor License. Amend RSA 178:27, III(b) to read as follows:

(b) Beverage vendor license \$1,920, *for each manufacturer whose beverages are sold or offered for sale.*

33 Seasonal and Fair Licenses. Amend RSA 178:27, VII to read as follows:

VII. A license, other than a [supplemental] *special seasonal, fair*, or one day license, shall expire on the last day of the month of the licensee's birthday. When the licensee is not a natural person, all licenses, other than [supplemental] *special seasonal, fair*, supplemental or one day licenses, issued pursuant to this chapter shall expire on the last day of the month in which such licensee was incorporated or otherwise organized. Any license may be revoked prior to its expiration date by the commission for cause.

34 Additional Fees Applicable to Wholesale Distributor Licensees; Changing Obsolete Reference to Commissioner of Public Works and Highways. Amend RSA 178:28 to read as follows:

178:28 Additional Fees.

I. In addition to the fees provided for in RSA 178:27 the following fees shall be required for licenses issued to wholesale distributors: for each wholesale distributor license \$.30 for every gallon of beverages sold for resale by the licensee during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month; provided, however, that in the event beverage container mandatory deposit legislation is enacted, such fees shall revert to \$.18 per gallon as of the effective date of such legislation. For the purpose of computing the fee payable under this section all sales at retail by a wholesale distributor licensee [holding an off-sale license] shall be deemed to be sales for resale. Any wholesale distributor licensee shall collect, from on-sale and off-sale licensees to whom he makes sales of beverages, the fees required under this section. For failure to pay any part of the fees provided for under this section when due, 10 percent of such fees shall be added and collected by the commission from the wholesale distributor.

II. A sum of money from all sources of funds available to the [commissioner of public works and highways] *department of transportation* equivalent to 1/15 of all fees collected under paragraph I of this section shall be dedicated and used exclusively for the purpose of increased roadside litter removal for class I through class V highways; provided, however, that in the event beverage container mandatory deposit legislation is enacted, such amount shall cease to be so dedicated as of the effective date of such legislation.

35 Changing Obsolete Reference to Commissioner of Public Works and Highways. Amend RSA 178:30, II To read as follows:

II. A sum of money from all sources of funds available to the [commissioner of public works and highways] *department of transportation* equivalent to 1/15 of all fees collected under paragraph I of this section shall be dedicated and used exclusively for the purpose of increased roadside litter removal for class I through class V highways; provided, however, that in the event beverage container mandatory deposit legislation is enacted, said amount shall cease to be so dedicated as of the effective date of said legislation.

36 Wine Manufacturer's, Liquor and Wine Representative's, Liquor and Wine Salesperson's, and Table Wine Vendor's Interests Prohibited. Amend the section heading of RSA 179:12 to read as follows:

179:12 Wine Manufacturer's, *Liquor and Wine Representative's, Liquor and Wine Salesperson's*, and *Table Wine Vendor's* Interests Prohibited.

37 Certain Prohibited Interests. Amend RSA 179:12, I to read as follows:

I. No holder of a wine manufacturer license, *liquor and wine representative, liquor and wine salesperson, or table wine vendor*, and no officer, director, stockholder, employee or agent of the holder of a wine manufacturer license, *liquor and wine representative, liquor and wine salesperson, or table wine vendor* shall through interlocking stock ownership, interlocking directorship, or otherwise, have an interest, either direct or indirect, in the business of the holder of a retailer license.

38 Adding Beverage Manufacturers. Amend RSA 179:13, I to read as follows:

179:13 Limited Credits.

I. Each holder of a wholesale distributor *or beverage manufacturer* license shall report to the commission the name and license number of any on-sale or off-sale licensee who is delinquent in making payment of accounts within 10 days, including Sundays and holidays, from the date of delivery of beverages on the premises of such on-sale or off-sale licensee. Each holder of a beverage vendor license or beverage vendor importer license shall report to the commission the name and license number



of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.

39 Adding Beverage Manufacturers. Amend RSA 179:13, III and IV to read as follows:

III. The commission shall inform holders of *beverage manufacturer licenses*, beverage vendor licenses, beverage vendor importer licenses, and wholesale distributor licenses of the names of licensees delinquent under the provisions of this section and no holder of a *beverage manufacturer license*, beverage vendor license, beverage vendor importer license, wholesale distributor license or beverage representative license shall knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent under this section. The commission may withhold names of delinquent licensees under circumstances in which there is a dispute over payments, an agreement to liquidate which has been approved by the commission, or other reason which the commission may deem proper.

IV. The sum of \$150 shall be added to the fees provided under RSA 178:27 and collected by the commission for each failure of a holder of a *beverage manufacturer license*, beverage vendor license, beverage vendor importer license, wholesale distributor license, or beverage representative license to comply with the provisions of this section. Determinations of a failure to comply with this section shall be made by the commission.

*V. Each wholesaler distributor shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of account. Notification shall be delivered in writing to the licensee by a representative of the wholesaler. Proof of notification shall be forwarded to the commission, whose enforcement division shall issue an administrative notice for a violation of the provisions of RSA 178:13, I and shall forward a report of violation for administrative action. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for non-payment of accounts which are delinquent more than 15 days from the date of the wholesaler distributor's notification, providing the requirements of this section have been met.*

40 Reports. Amend RSA 179:14 to read as follows:

179:14 Reports. Each *beverage manufacturer licensee*, beverage vendor licensee, beverage vendor importer licensee and wholesale distributor of beverages within the state shall, on or before the tenth day of each month, furnish to the commission, on a form prescribed, a statement under penalty of perjury showing the quantity of beverages sold for resale and the quantity of beverages sold under an off-sale license during the preceding calendar month, within the state.

41 Games and Amusements. Amend RSA 179:19, VI to read as follows:

VI. On-sale licensees may install [up to 3 coin-operated] amusement machines on their premises [at any one time]. Such machines may not be placed within the confines of a dining room of a full service restaurant. [Non-coin-operated games, such as backgammon, chess, and checkers, may be used without restriction in areas other

than dining rooms of full service restaurants. A restaurant licensee with a dining room seating in excess of 250 persons may petition the commission in writing for permission to exceed the 3 machine limitation.]

42 Employment of Minors. Amend RSA 179:23, II to read as follows:

II. A bartender, waiter, or waitress in a *dining room* cocktail lounge, or function room shall be at least 18 years of age. An on-sale licensee may employ any person not less than [16] *18* years of age to serve or otherwise handle liquor and beverages while employed as a waiter, waitress, or hostess in the dining rooms. [Nothing in this section shall prohibit a waitress, waiter, or hostess from entering the lounge to fill orders of customers while so employed.] Minors not less than [15] *16* years of age may be employed in dining areas and lounge areas to clean tables, remove empty containers and glasses and assist in stocking. A person at least 18 years of age shall be in attendance and be designated in charge of the employees and business.

43 Restrictions on Internally Illuminated Signs. Amend RSA 179:25, VI to read as follows:

VI. No advertising of liquor or beverages sold in this state shall be allowed through the use of [either electric or directly or indirectly] *internally* illuminated signs, inside *or outside* the licensed premises. Notwithstanding the above, beverage manufacturers and wholesale distributors may, with prior approval of the commission, advertise on the site of their licensed premises through the use of [electric or directly or indirectly] *internally* illuminated signs.

44 Uses of Certain Advertising. Amend RSA 179:29, I to read as follows:

I. An industry member may furnish, give, rent, loan, or sell retailer advertising specialties to a retailer if such items bear advertising material and are primarily valuable to the retailer as a means of advertising. These items may include, but are not limited to: coasters, mats, menu cards, wine lists, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks and calendars. [No advertising of liquor or beverages shall be allowed through the use of either electric or directly or indirectly illuminated signs, inside or outside the licensed premises.] The name or name and address of the retailer may be added to the advertising specialty.

45 Listing Retail Prices. Amend RSA 179:31, V to read as follows:

V. The listing of retail prices [by, for or in] *on* behalf of retail licensees, [except for wine by off-premise licensees] *by a holder of a wholesale distributor license*, is prohibited in all newspaper, magazine, periodical, radio or television advertising.

46 Gifts of Beverage or Liquor. Amend RSA 179:41, I and II to read as follows:

I. No off-sale licensee shall give away any beverage [and], *liquor, or* wine with the purchase of merchandise or food or as payment in any business enterprise.

II. No licensee shall [change] *exchange* any coupon, ticket or check for beverages or liquor directly or indirectly in connection with any admission price or fee.

47 Specifying Types of Brewers and Importers. Amend RSA 180:9 to read as follows:

180:9 Exclusive Wholesale Distributor Territorial Agreements. It shall be unlawful for a wholesale distributor to sell any brand of beverage in this state except in the territory described in a distribution agreement authorizing sale by the wholesale distributor of that brand or label within a designated area, and within that designated area the wholesale distributor shall service all dealer and retailer licensees without discrimination. The distribution agreement shall be in writing and shall specify the brand or label it covers. When a beverage vendor or beverage vendor importer sells several brands, the agreement need not apply to all brands sold by the beverage ven-

door or beverage vendor importer and may apply only to one brand. No [brewer, importer] *beverage manufacturer, beverage vendor, beverage vendor importer* or other supplier shall provide by the written distribution agreement for the distribution of a brand or label to more than one distributor for all or any part of the designated territory.

48 Repeals. The following are repealed:

I. RSA 178:1, III-V, relative to residency requirements and conviction records of liquor and beverage manufacturers.

II. RSA 179:41, III and IV, relative to wholesale distributors and retailers.

49 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill adds definitions of "billboard," "common carrier," "primary source," and "happy hour" and makes some technical changes to the liquor laws.

The bill adds military clubs and special licenses to the liquor license fee schedule and clarifies the applicability of some licenses.

The bill prohibits any minor under the age of 18 from working as a waiter, waitress or bartender for a dining room and minors under the age of 16 from certain tasks in dining room and lounges.

The bill requires that any applicant for a license and any principal controlling owners, directors or officers of a licensed establishment be at least 21 years of age.

The bill allows certain beverage manufacturers to sell beverages manufactured on his premises directly to retail licensees.

The bill allows full service restaurants and hotel restaurants to open their lounges 2 hours before the dining room opens.

The bill removes restrictions on the number of amusement machines an on-sale licensee may install on his premises.

The bill repeals provision relating to residency requirements and conviction records of liquor and beverage manufacturers.

The bill also corrects obsolete references.

**HBI 3**, relating to purchases from beer distributors. **INEXPEDIENT TO LEGISLATE**.

This bill of intent was submitted at the request of an individual in business who had a disagreement with existing beer distribution procedures and policies. The Committee felt, considering the testimony offered, the situation would be resolved by coordination between the distributor and the customer. Vote 17-1. Rep. Stephen W. Buco for Regulated Revenues.

**HB 501-FN**, relative to electric utility conservation measures. **RE-REFER TO COMMITTEE**.

After hearing testimony on this bill, the Committee determined that there would be a larger impact on the power companies, ratepayers and Public Utilities Commission than was initially identified. More information is required to fully identify the impact. Vote 11-0. Rep. Philip M. Ackerman for Science, Technology and Energy.

**HB 510-FN**, relative to the energy conservation construction code. **RE-REFER TO COMMITTEE**.

The bill has much merit, but has been re-referred to be sure ASHRAE and BOCA regulations are being adhered to. Vote 11-0. Rep. Robert R. Jean for Science, Technology and Energy.



**HJR 1**, concerning the settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine. OUGHT TO PASS WITH AMENDMENT.

Considerable effort went into crafting language which the sponsor and the Attorney General could both support. The bill as now presented is a strong statement of our determination to resolve the boundary dispute with Maine in an expeditious and appropriate manner. Vote 12-0. Rep. Peter Hoe Burling for State-Federal Relations.

#### Amendment

Amend the resolution by replacing all after the title with the following:

Whereas, there presently exists a border dispute between the state of New Hampshire and the state of Maine concerning the location of the interstate boundary in the vicinity of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor; and

Whereas, the attorney general of New Hampshire has stated his determination that the historical record provides no evidence that the actual location of the boundary decreed by King George II in 1740 has ever been determined in the vicinity of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor; and

Whereas, the governor of New Hampshire has asked the attorney general of New Hampshire to consider all appropriate avenues to resolve the boundary issue, up to and including action in the United States Supreme Court; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the attorney general of New Hampshire shall consider all appropriate avenues to resolve the boundary issue, including action in the United States Supreme Court and to locate and definitively establish the interstate boundary in the vicinity of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor; and

That no agreement or consent decree which concerns resolution of the border dispute be allowed to take effect unless approved by the house of representatives and senate of the state of New Hampshire.

#### AMENDED ANALYSIS

This joint resolution requires the attorney general of New Hampshire to consider all appropriate avenues to resolve the boundary issue between Maine and New Hampshire in the vicinity of the Portsmouth Naval Shipyard and inner Portsmouth Harbor including action in the United States Supreme Court.

**HJR 4**, relative to providing access to Flat Mountain Pond for members of the public. OUGHT TO PASS.

The Committee voted 13 to 0 that this Resolution "Ought to Pass" to give the sponsors and others the necessary "tool" to proceed with this issue of access to a State of New Hampshire great pond. Rep. Lowell D. Apple for State-Federal Relations.

**HB 206**, relative to OHRV noise levels. RE-REFER TO COMMITTEE.

The Committee has determined that the time allowed for recommittal action is too brief and indeterminate, especially for implementing planned physical demonstrations. Vote 13-1. Rep. John Hoar, Jr. for Transportation.



**HB 310-FN**, increasing the hazardous waste transporter vehicle registration fee. **OUGHT TO PASS WITH AMENDMENT.**

This bill provides for reasonable increases in hazardous waste transporter fees and establishes a revolving fund depository therefor. Vote 17-0. Rep. John Hoar, Jr. for Transportation.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

increasing the hazardous waste transporter vehicle registration fee and establishing a hazardous waste fund.

Amend the bill by replacing all after section 1 with the following:

2 Fees Assigned to Hazardous Waste Fund. Amend RSA 147-A:6, VI to read as follows:

VI. Fees received by the division of waste management under this section shall be *placed in a nonlapsing, revolving fund known as the hazardous waste fund. This fund is continually appropriated to be* used in processing transporter permit applications and monitoring compliance of transporters.

3 Revolving Fund. Amend RSA 6:12, I by inserting after subparagraph (mm) the following new subparagraph:

(nn) Moneys received under RSA 147-A:6, VI, which shall be credited to the hazardous waste fund established in RSA 147-A:6, VI.

4 Effective Date. This act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill increases from \$50 to \$100 the hazardous waste transporter vehicle registration fee assessed on each vehicle listed in the hazardous waste transporter permit application.

This bill also directs the division of waste management of the department of environmental services to deposit all hazardous waste transporter permit application fees into a nonlapsing, continually appropriated fund to be known as the hazardous waste fund. The fund is to be used for processing hazardous waste transporter permit applications and for monitoring compliance.

Referred to Appropriations.

**HB 417-FN**, relative to parking privileges for persons with walking disabilities. **INEXPEDIENT TO LEGISLATE.**

The Committee felt that walking disability parking privileges, as currently defined in the statutes, is adequate. Testimony from the Director of the Granite State Independent Living Foundation for the Disabled states he also is satisfied with the current statutes. Further, HB 417 would rescind the use of decals which currently have proven to be an acceptable way of identifying vehicles of the walking disabled. Vote 17-0. Rep. George N. Katsakiores for Transportation.

Rep. Thomas J. Christie notified the Clerk that he wished to be recorded in favor of the Committee report.

**HB 499-FN**, to prevent the registration of junk motor vehicles which are not intended for legal use on any public highway. **INEXPEDIENT TO LEGISLATE.**

The Committee heard testimony on both sides of this issue and discussed it at length. While, it felt some parts of the bill were well-intentioned, and would be of benefit to cities and towns, the Committee voted 15-0 Inexpedient to Legislate be-

cause it felt that these concerns would be best addressed at the local level through zoning ordinances. Rep. Andrew Christie, Jr. for Transportation.

**HB 517-FN**, relative to watercraft safety. OUGHT TO PASS WITH AMENDMENT.

The bill addresses some problems that have been found in RSA 270 and corrects them. It also establishes some new penalties with regard to the sale or possession of watercraft without an identification number or a muffling device. Vote 13-0. Rep. Andrew Christie, Jr. for Transportation.

#### Amendment

Amend RSA 270:25, I as inserted by section 2 of the bill by replacing it with the following:

I. No person shall own or operate *or sell or offer for sale* within the jurisdiction of this state, a boat propelled in whole or in part by gas, gasoline, diesel, or naphtha unless the boat is provided with an underwater exhaust or other muffling device constructed and used so as to muffle the noise of the explosion. *Nothing in this paragraph shall be construed to require an underwater exhaust or other muffling device on a boat that is being sold for salvage purposes.*

Amend RSA 270:12-d, III as inserted by section 4 of the bill by replacing it with the following:

III. It shall be a misdemeanor to buy, receive, possess, sell or dispose of a boat, engine or outboard motor knowing the hull identification number or serial number has been removed, changed or altered. If upon discovery of the removed, defaced, changed, or altered hull identification number or serial number, the person reports it to the nearest police station or the bureau of marine patrol, he shall not be charged with a violation.

Amend RSA 270:12-d as inserted by section 4 of the bill by deleting paragraph I and renumbering the original paragraphs II - V to read as I - IV, respectively.

Amend the bill by replacing all after section 4 with the following:

5 Revocation of Operating Privileges Added. Amend the introductory paragraph of RSA 270-E:17 to read as follows:

270-E:17 Revocation of Registration. In addition to any other authority provided by law, the commissioner is hereby authorized to revoke or suspend any registration issued pursuant to this chapter *or any privilege to operate a boat, or both*, upon a showing that:

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill allows the commissioner of safety or one of his authorized agents, to examine any boat at a dealer, fiberglass shop, auction or any place where boats are repaired or restored, to check hull identification or serial numbers.

The bill also permits the commissioner to revoke the privilege to operate or register a boat.

This bill prohibits the sale of boats which are unequipped with muffling devices. The bill allows the commissioner to waive certain administrative penalties for viola-

tions of boating laws and rules. It establishes criminal penalties for certain boating offenses.

This bill is a request of the department of safety.

**HB 528-FN**, relative to DWI and the ignition interlock device. **INEXPEDIENT TO LEGISLATE**.

This bill would have allowed the Director of Motor Vehicles to issue a conditional driver's license to any driver whose license had been revoked for DWI violations if said person's vehicle be equipped with an ignition interlock device. Testimony indicated that this device could easily be tampered with and could create more problems for law enforcement. Vote 12-1. Rep. Richard L. Haynes for Transportation.

**HB 605-FN**, establishing a committee to study the feasibility of a mass transportation authority. **INEXPEDIENT TO LEGISLATE**.

At the request of the sponsor, this bill was voted out as Inexpedient to Legislate. The Committee was in agreement with the sponsor that a companion bill would be more effective in its purpose. Vote 13-0. Rep. Thaddeus E. Klemarczyk for Transportation.

**HB 717-FN**, permitting the designation by a vehicle owner of a vehicle's recipient upon the owner's death. **OUGHT TO PASS WITH AMENDMENT**.

This bill would allow an owner of a motor vehicle to stipulate by a Certificate of Title the beneficiary of the vehicle upon the owner's death. Procedures to change the beneficiary are included. The certificate of title issued in beneficiary form cannot be revoked by a will. Vote 16-0. Rep. Roger D. Stewart for Transportation.

#### **Amendment**

Amend RSA 261:8-a, III as inserted by section 1 of the bill by replacing it with the following:

III. A certificate of title issued in beneficiary form shall include the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.

#### **REGULAR CALENDAR (continued)**

**HB 579**, relative to municipal charters. **OUGHT TO PASS**.

House Bill 579 is the same bill that was passed by the House last year. The Senate put it into study then let it die. The bill brings up-to-date the present laws for charters. There are numerous towns which need guidance in forming charters for their towns. This bill gives the help they need. Vote 13-2. Rep. David M. Perry for Municipal and County Government.

Adopted.

Ordered to third reading.

**HBI 2**, relating to the taxation of tax exempt property. **OUGHT TO PASS**.

House Bill of Intent 2 will serve as an instrument of research into the practices used to determine present payments in lieu of taxes, tax exemptions and adjustments to the same and to assess needs for legislation. Vote 15-0. Rep. John A. Middleton for Municipal and County Government.

Adopted.

Ordered to third reading.

**HB 732-FN**, relative to the sale of fireworks and levying a tax thereon. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

**MAJORITY:** The majority of the Committee feels that the best way to make fireworks safe is by regulation. The bill is permissive in that it gives municipalities the option of voting whether to allow the sale and/or display of fireworks. Revenue from enactment of this bill will benefit those municipalities which authorize the sale of fireworks, and will benefit the state from the fees collected for licenses issued to sell fireworks. Vote 8-6. Reps. Jeffrey M. Brown, David A. Welch and Dennis H. Fields for the Majority of Public Protection and Veterans Affairs.

**MINORITY:** The minority of the Committee believes that the existing loopholes in the present fireworks statute will continue to exist with the enactment of HB 732. The minority also feels that safety of person and property is of greater importance than the money to be derived by certain communities from the sale of fireworks. The minority further believes that HB 720, relative to fireworks, and in the possession of the Committee, was carefully crafted by the Attorney General, the Department of Safety, the New Hampshire Association of Fire Chiefs and seacoast legislators, and is the appropriate route to take for effective control over the sale of fireworks and their use for displays. Reps. Richard D. Chasse, George R. Rubin and James J. Fenton for the Minority of Public Protection and Veterans Affairs.

Rep. Rubin moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Jeffrey Brown spoke against and yielded to questions.

Reps. Fenton and Chasse spoke in favor and yielded to questions..

Rep. Benton spoke in favor.

Rep. Raymond Buckley spoke against and yielded to questions.

Reps. Pantelakos and Reidy spoke in favor.

Rep. William Boucher spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

### YEAS 193

### NAYS 149

#### YEAS 193

#### BELKNAP

Accornero, Harry  
Dewhirst, Glenn E.  
Rice, Thomas E. P., Jr.

Bartlett, Gordon E.  
Holbrook, Robert G.  
Zaharchuk, Peter J., Jr.

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Ziegra, Alice S.

#### CARROLL

Allard, Nanci A.  
Dodge, A. Gibb, Jr.

Bradley, Jeb E.  
Wiggin, Gordon E.

Chandler, Gene G.

#### CHESHIRE

Burnham, Daniel M.  
DePecol, Benjamin J.  
Hogan, James B.  
Laurent, John J.  
Pearson, Gertrude B.  
Riley, William A.

Champagne, Richard L.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Perry, David M.  
Spear, Susan S.

Clark, Eugene W.  
Grodin, Richard A.  
LaMar, David M.  
Metzger, Katherine H.  
Pratt, Irene A.



**COOS**

Brungot, Catherine V.  
Horton, Lynn C.

Buckley, C. Fitzgerald  
Oliver, Terry D.

Guay, Lawrence J.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
McIlwaine, Deborah P.  
Wadsworth, Karen O.

Arnesen, Deborah L.  
Chambers, Mary P.  
Nielsen, Niels F., Jr.  
Ward, Kathleen W.

Bean, Pamela B.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Domaigne, Jacquelyn M.  
Durham, Susan B.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Kelley, Robert N.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
McRae, Karen K.  
Peters, Stanley W.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Crotty, Edward J.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Fenton, James J.  
Ford, Nancy M.  
Greenglass, Alan B.  
Hall, Betty B.  
Healy, Walter F.  
L'Heureux, Robert J.  
Martin, Mary Ellen  
McDowell, James E.  
Moore, Elizabeth A.  
Pignatelli, Debora B.  
Rheault, Lillian I.  
Smith, Leonard A.  
Tarpley, Nancy L.  
White, John M.

Andrews, Frederick B.  
Bourque, Ann J.  
Clemons, Jane A.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Ferguson, Charles  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Hultgren, David D.  
Larochelle, Roger B.  
Mason, Howard F.  
McNerney, Daniel P.  
O'Rourke, Joanne A.  
Record, Alice B.  
Robinson, Ellen-Ann  
Soucy, Donna M.  
Vanderlosk, Stanley R.  
Wright, George W.

**MERRIMACK**

Apple, Lowell D.  
Chandler, Earle W.  
Gilbreth, Robert M.  
Hill, Michael J.  
Lewis, Mary Ann  
Soldati, Jennifer G.  
Weeks, John F., Jr.

Asplund, Bronwyn L.  
Chandler, John P.  
Hager, Elizabeth S.  
Johnson, C. William  
Molner, Mary E.  
Teague, Bert  
Yeaton, Charles B.

Braiterman, Thea  
Fair, Patricia A.  
Hall, Douglas E.  
Johnson, Joyce M.  
Nichols, Avis B.  
Wallner, Mary Jane

**ROCKINGHAM**

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Clark, Martha Fuller  
DiPietro, Carmela M.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
McCain, William F.

Bell, Juanita L.  
Caswell, Albert, Jr.  
Coffey, John J.  
Flanagan, Natalie S.  
Griebisch, Linda  
Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
Magoon, Harold F.  
McCarthy, John J., Jr.

Benton, Richardson D.  
Christie, Andrew, Jr.  
Cooke, Annette M.  
Flanders, Harry E.  
Hoar, John, Jr.  
Kane, Cecelia D.  
Klemm, Arthur P., Jr.  
Malcolm, Kenneth W.  
McGovern, Cynthia A.

Pantelakos, Laura C.  
Schmidtchen, Rowland H.  
Splaine, John E., Sr.  
Tufts, Arthur

Raynowska, Bernard J.  
Senter, Marilyn P.  
Syracusa, Anthony  
Vaughn, Charles L.

Rubin, George R.  
Smith, Arthur W.  
Terninko, Margaret B.

### STRAFFORD

Douglass, Clyde J.  
Gilmore, Gary R.  
Martling, W. Kent  
O'Brien, John  
Sullivan, Henry P.

Foss, Patricia H.  
Hashem, Elaine M.  
Merrill, Amanda A.  
Parks, Joe B.  
Torr, Ann M.

Frechette, Roland A.  
Kinney, Paula J.  
Musler, George T.  
Spencer, Leo J.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Lindblade, Eric N.  
Stamatakis, Carol M.

Behrens, Thomas A.  
Harland, Jane A.  
Middleton, John A.  
Tetu, Michael A.

Burling, Peter Hoe  
Krueger, Richard H.  
Rodeschin, Beverly T.  
Walsh, Robert R.

### NAYS 149 BELKNAP

Hawkins, Robert S.  
Rosen, Ralph J.  
Vogler, Charles C.

Johnson, Carl R.  
Salatiello, Thomas B.

Joscelyn, William W.  
Turner, Robert H.

### CARROLL

Beach, Mildred A.  
Foster, Robert W.

Daly, Robert J., Jr.  
Saunders, Howard N.

Dickinson, Howard C.  
Wiggin, Allen R.

### CHESHIRE

Crutchley, Donald O.  
Hunt, John B.  
Sawyer, Alfred P.

Doucette, Richard F.  
Kennison, Wayne A.

Feuer, Joseph N.  
Morse, Jo Ann T.

### COOS

Coulombe, Henry W.  
Merrill, Gerald P.

Hawkinson, Marie C.  
Nelson, Harold D.

Kilbride, Dennis J.  
Theriault, Romeo J.

### GRAFTON

Brown, Patricia B.  
Dow, David  
Hill, Richard L.  
Scanlan, David M.  
Teschner, Douglass P.

Christy, C. Dana  
Driscoll, William J.  
LaMott, Paul I.  
Shackett, Ralph E.  
Trelfa, Richard T.

Copenhaver, Marion L.  
Guest, Robert H.  
Lougee, Richard W.  
Stewart, Roger D.  
White, Paul R.

### HILLSBOROUGH

Alukonis, David J.  
Buckley, Raymond  
Cote, David E.  
Desrochers, Gerard T.  
Drolet, Paul L.  
Gage, Ruth E.  
Green, Scott E.  
Johnson, Lionel W.  
King, Frank P.

Arnold, Barbara E.  
Burke, Stephen J.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Elliott, Larry G.  
Gosselin, Gerald O.  
Holden, Carol H.  
Keane, Cornelius J.  
Kurk, Neal M.

Baker, George H., Sr.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Dodge, Emma M.  
Fields, Dennis H.  
Goulet, Maurice E.  
Jasper, Shawn N.  
Kelley, Dana F.  
Lachut, Ervin R.

Laughlin, J. Francis  
 Leclerc, Charles J.  
 Messier, Irene M.  
 Ouellette, Robert O.  
 Pepino, Leo P.  
 Sallada, Roland A.  
 Turgeon, Roland M.

Lawrence, Eva M.  
 Lefebvre, Roland J.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Perham, Lester R.  
 Searles, Stanley N., Sr.  
 Upton, Barbara A.

Lawrence, Norman B.  
 Mercer, Robert S.  
 Nardi, Theodora P.  
 Paquette, Rodolphe G.  
 Riley, Frances L.  
 Tate, Joan C.  
 Wheeler, David K.

### MERRIMACK

Barberia, Richard A.  
 Daneault, Gabriel J.  
 Hayes, Robert C.  
 Kidder, William F.  
 Millard, Elizabeth S.  
 Stio, Peter M.

Boucher, Laurent J.  
 Dunn, Miriam D.  
 Holmes, Mary C.  
 Letourneau, George E.  
 Smith, Gerald R.  
 Trombly, Rick A.

Christie, Thomas J.  
 Fillion, Paul R.  
 Jacobson, Alf E.  
 Lockwood, Robert A.  
 Stapleton, Henry F.  
 Whittemore, James A.

### ROCKINGHAM

Boucher, William P.  
 Cote, Patricia L.  
 Felch, Charles H., Sr.  
 Greene, Elizabeth A.  
 Keith, Brenda E.  
 Packard, Sherman A.  
 Roulston, Donald L.  
 Skinner, Patricia M.  
 Thayer, Leroy C.  
 Woods, Deborah L.

Brown, Jeffrey M.  
 Dowd, Sandra K.  
 Flanders, John W., Sr.  
 Hutchinson, Karen K.  
 MacKinnon, Nancy W.  
 Palazzo, Frank J.  
 Schanda, Joseph, Sr.  
 Sytek, Donna P.  
 Welch, David A.

Conroy, Janet M.  
 Dube, LeRoy S.  
 Ford, Bert H.  
 Johnson, Robert A.  
 McKinney, Betsy  
 Rosencrantz, James R.  
 Simon, Peter M.  
 Sytek, John J.  
 Weyler, Kenneth L.

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Keans, Sandra B.  
 Tsiros, William

Bickford, Drucilla  
 Flynn, Edward J.  
 Kincaid, William K.  
 Vincent, Francis C.

Brown, Julie M.  
 Jankowski, Peter M.  
 Nehring, William H.

### SULLIVAN

Domini, Irene C.  
 and the motion was adopted.

Peyron, Fredrik

Schotanus, Merle W.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

### HCR 9, relative to universal access to health care. OUGHT TO PASS.

It was the overwhelming sense of the Committee that the time has come for the federal government to pay attention to the basic human right of every American to have access to affordable health care. For a disturbingly large number of Americans, this is not now the case. It is important that we encourage positive action on this vital issue at the federal, state and local levels. It is costing government too much to do nothing. Vote 8-3. Rep. Mary P. Chambers for State-Federal Relations.

Adopted.

Ordered to third reading.

**HB 267-FN-A**, increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. **INEXPEDIENT TO LEGISLATE.**

While there may be merit to returning more money to the counties from revenues raised under the Real Estate Transfer Tax, there was absolutely no desire to reduce state revenues by any amount at a time when we are faced with several unpleasant tax increases in order to balance the state budget. Vote 17-0. Rep. Shawn N. Jasper for Ways and Means.

Adopted.

**HB 480-FN-A**, relative to a 3 percent purchase tax. **INEXPEDIENT TO LEGISLATE.**

While the Committee commends the sponsors for their efforts to solve state and local revenue problems, it unanimously opposes the adoption of a sales tax. First, such a tax would fall disproportionately on those with low income. Second, a three percent sales tax would cause our New Hampshire retailers to lose a significant part of their competitive edge over our neighboring states. Finally, the bill would impose a substantial administrative burden on both business and the Department of Revenue Administration. Vote 15-0. Rep. Donna P. Sytek for Ways and Means.

Rep. O'Brien moved that the words Re-refer to Committee be substituted for the report of the Committee Inexpedient to Legislate.

Rep. Jasper spoke against.

On a division vote, 38 members having voted in the affirmative and 285 in the negative, the motion lost.

Adopted.

**HB 734-FN-A**, relative to a 2 percent state income tax and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

After due consideration and analysis, the Committee felt that because of lost revenue to the state, estimated by the Department of Revenue Administration to be about 10.6 million dollars annually, this bill is not timely. Vote 17-0. Rep. David M. LaMar for Ways and Means.

Rep. William Riley spoke against.

Rep. Ahrens spoke in favor.

Adopted.

**HB 303**, relative to instructions to voters on ballots. **RE-REFER TO COMMITTEE.**

The Committee has new information, and therefore wishes to remove HB 303 from the Consent Calendar and move Ought to Pass as amended. The floor amendment legalizes the Op-Tech ballot now in use in many communities and brings the paper ballot in concert with the Op-Tech ballot. Vote 12-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

Re-referred to Committee.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Gross moved that the House reconsider its action whereby it found that HB 303 be Re-referred to Committee and spoke to of her motion.

Motion adopted.



Rep. Flanagan moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Re-refer to Committee.

Rep. Gilmore spoke in favor and yielded to questions.

### **SPECIAL ORDER**

Rep. Raymond Buckley moved that HB 303 be made a Special Order following recess for lunch, spoke to his motion and yielded to questions.

On a division vote, 181 members having voted in the affirmative and 134 in the negative, the motion was adopted.

### **RECESS**

### **SPECIAL ORDERS**

**HB 114-FN**, relative to the date for terminating the motor vehicle emissions inspection program. **OUGHT TO PASS WITH AMENDMENT.**

The Committee felt that since the vehicle emission inspection program is working so well and that the air "the dirty dozen" are now breathing is much cleaner, this program should continue indefinitely. Vote 15-1. Rep. Bonnie Lou McCann for Environment and Agriculture.

#### **Amendment No. 1**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the date for terminating the motor  
vehicle emissions inspection program and  
granting administrative fine authority  
to the divisions of air resources  
and public health services.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Administrative Fines. Amend RSA 125-C:15 by inserting after paragraph II the following new paragraph:

III. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter or any permit or order issued pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the commissioner in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph; and

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

3 New Section; Administrative Fines. Amend RSA 125-D by inserting after section 3 the following new section:

125-D:4 Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who vio-

lates any provision of this chapter, any rule adopted pursuant to this chapter or any permit or order issued pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be deposited by the commissioner in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. A schedule of administrative fines which may be imposed under this section; and

II. Procedures for notice and hearing prior to the imposition of an administrative fine.

4 New Section; Administrative Fines. Amend RSA 125-I by inserting after section 3 the following new section:

125-I:4 Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter or any permit or order issued pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be deposited by the commissioner in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. A schedule of administrative fines which may be imposed under this section; and

II. Procedures for notice and hearing prior to the imposition of an administrative fine.

5 New Section; Administrative Fines. Amend RSA 141-E by inserting after section 16 the following new section:

141-E:16-a Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates RSA 141-E:9 or any rule adopted by the commissioner of environmental services under this section. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be deposited by the commissioner in the fund established by RSA 141-E:12, II. The commissioner shall adopt rules, under RSA 541-A relative to:

I. A schedule of administrative fines which may be imposed under this section; and

II. Procedures for notice and hearing prior to the imposition of an administrative fine.

6 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill extends the date for termination of the motor vehicle emissions inspection program from December 31, 1991, to December 31, 1993.

The bill also grants administrative fine authority to the division of air resources relative to violations of the air pollution control act, the acid rain control act and the air toxic control act and to the division of public health services relative to the asbestos management and control act.

Rep. Donna Sytek moved that HB 114 be adopted with the Committee amendment.

Rep. Bonnie McCann spoke in favor

Adopted.

Report adopted.

Referred to Appropriations.

**HB 303**, relative to instructions to voters on ballots. (Pending question was the substitute motion of OUGHT TO PASS WITH AMENDMENT by Rep. Flanagan.)

Rep. Flanagan withdrew her motion and moved that the bill be Re-referred to Committee.

Adopted.

**REGULAR CALENDAR** (continued)

**HB 760-FN**, requiring state universities and colleges to sell condoms on campus. INEXPEDIENT TO LEGISLATE.

The Committee has strong feelings that something has to be done to prevent the spread of AIDS. As a Committee, we vote that the health unit take whatever steps necessary to correct the problem as it is not part of the duties of the Education Committee to run the University System, and we have brought to their attention, as well as that of the Division of Public Health, our Committee's concern. Vote 17-0. Rep. John J. Laurent for Education.

Reps. Trombly and DePecol spoke against.

Reps. William Riley and Laurent spoke in favor.

Adopted.

**HB 611-FN**, relative to plastic holding devices used in packaging. OUGHT TO PASS WITH AMENDMENT.

The Committee believes this bill achieves two goals: protecting wildlife and eliminating litter. The bill has approval of industry and constituent groups. Vote 15-0. Rep. Linda Griebisch for Environment and Agriculture.

**Amendment**

Amend RSA 339:71 as inserted by section 2 of the bill by replacing it with the following:

339:71 Definitions. In this subdivision "holding device" means any device constructed of plastic rings or plastic material that contains at least one hole greater than 1-3/4 inches in diameter, which is made, used, or designed for the purpose of packaging, transporting, or carrying multipackaged cans or bottles.

Adopted.

Rep. Leonard Smith offered a floor amendment.

**Floor Amendment**

Amend RSA 339:71 as inserted by section 2 of the bill by replacing it with the following:

339:71 Definitions. In this subdivision "holding device" means any device constructed of plastic rings or plastic material that contains at least one hole greater than 1-3/4 inches in diameter, which is made, used, or designed for the purpose of packaging, transporting, or carrying multipackaged cans or bottles and which is degradable.

Rep. Griebisch spoke in favor.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 318-FN**, relative to town expenditures. INEXPEDIENT TO LEGISLATE.

This bill required that local boards cannot spend money that has not been appropriated at town meeting except to pay a judgment. This issue is currently addressed in RSA 32:10. No town official can spend any money for any purpose unless that amount was appropriated for that purpose by the town meeting. Vote 17-0. Rep. Thomas B. Salatiello for Municipal and County Government.

Rep. Ferguson moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Rep. Salatiello spoke against and yielded to questions.

On a division vote, 146 members having voted in the affirmative and 179 in the negative, the motion lost.

Report adopted.

**HB 759-FN**, relative to setting tax rates in municipalities based on the gross income of the residents. INEXPEDIENT TO LEGISLATE.

In his testimony, the sponsor presented the basic philosophy underlying his proposal and later submitted a review sheet showing how it might work. All other testimony, including that of the New Hampshire Association of Tax Collectors, was unfavorable, including charges that the proposal was both unworkable and conducive to chaotic conditions. The Committee agrees. Furthermore, this proposal would tax properties in two ways, according to whether they were owner-occupied or not. Owner-occupied property would be taxed on the basis of the owner's income, not on the value of the property. The Committee doubts that such a proposition would be consistent with Article 5, Part Second, of the New Hampshire Constitution, which calls for proportional and reasonable assessments not only on the inhabitants of this state, but also on property. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

Rep. Jacobson spoke against.

Rep. Grodin spoke in favor

Adopted.

**HB 631-FN**, relative to dimensions of front and rear motor vehicle bumpers. INEXPEDIENT TO LEGISLATE.

The Committee felt the law currently on the books is adequate and this new bill would be too restrictive. It could adversely affect many businesses in the field of aftermarket auto and truck parts. Vote 15-0. Rep. Brenda E. Keith for Transportation.

Adopted.

## SENATE MESSAGE

### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 593-FN-A**, relative to the rate of the business profits tax.

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference. (Amendment printed in SJ 11, pp 99-100)



Adopted.

The Speaker appointed Reps. Donna Sytek, Hayes, Gross and LaMar.

### **SUSPENSION OF RULES**

Reps. Gross and Chambers moved that the rules be so far suspended as to permit the House to take up the House Calendar for Wednesday, March 20, 1991 at the present time.

Adopted by the necessary two-thirds.

### **SPECIAL ORDER**

Rep. Gross moved that the Consent Calendar for Wednesday, March 20, 1991 be made a Special Order for 3:00 p.m.

Adopted.

### **SPECIAL ORDER**

Rep. Gross moved that HB 54-FN, eliminating the laws regarding children in need of services, be made a Special Order for 10:15 a.m. on Wednesday, March 20, 1991.

Adopted.

### **REGULAR CALENDAR (continued)**

**HB 320**, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. **INEXPEDIENT TO LEGISLATE.**

The Committee is aware of the problems which nonpayment of condo fees cause to the association and to other members. However, the Committee believes the long-term solution to the problem is full occupancy by financially able owners. Direct payment by the owners to their association is the lowest cost method of payment. Any procedure which makes financing costs more expensive is counterproductive and detrimental to all. Vote 12-6. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Adopted.

**HB 355-FN**, relative to merchants' credit card policies. **INEXPEDIENT TO LEGISLATE.**

This bill would prohibit merchants from asking for personal information on credit card transactions and would impose penalties of \$250-\$1,000. The Committee felt this bill was unnecessary because it does nothing to protect the consumer's privacy because this information is available for a price from the Bankcard issuer. Businesses should be able to establish their own store policies and allow consumer demand to change unpopular practices. Vote 14-4. Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs.

Adopted.

**HB 470**, relative to health maintenance organizations. **RE-REFER TO COMMITTEE.**

Much testimony was given both for and against. The bill is really a consumer bill. It also could slightly affect some contractual arrangements already made. More time is needed to find the answers to many questions. Vote 12-7. Rep. George H. Baker, Sr. for Commerce, Small Business and Consumer Affairs.

Re-referred to Committee.

**HB 687-FN**, relative to medicare balance charges. **RE-REFER TO COMMITTEE.**

At the request of the prime sponsor and because of new information from the federal government, which is due in January of 1992, the majority of the Committee

feels that a new bill could be presented next year or have no bill at all. Vote 9-4. Rep. George H. Baker, Sr. for Commerce, Small Business and Consumer Affairs.

Re-referred to Committee.

Rep. Fair abstained from voting under Rule 16.

**HB 618-FN**, adding the choice of "none of the above" to state election ballots. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY RE-REFER TO COMMITTEE.

MAJORITY: The majority of the Committee felt that this bill would not increase voter turnout and would confuse the average voter and would cause problems with voting machines. Vote 8-3. Rep. Natalie S. Flanagan for the Majority of Constitutional and Statutory Revision.

MINORITY: Currently, only one-third of New Hampshire's eligible voters cast a ballot in a state general election. The minority is deeply concerned. HB 618 is an attempt to give New Hampshire voters more of a voice and to increase voter participation. Rep. Gary R. Gilmore for the Minority of Constitutional and Statutory Revision.

Adopted.

**HB 624-FN**, relative to removing candidates' signs after an election. OUGHT TO PASS WITH AMENDMENT.

The Committee feels this bill is a beautification move for our roadsides. This also makes politicians responsible for their own trash. Vote 11-1. Rep. Ralph E. Shackett for Constitutional and Statutory Revision.

#### Amendment

Amend RSA 664:17, II as inserted by section 1 of the bill by replacing it with the following:

*II. A municipality may charge a candidate \$5 for each piece of political advertising which the municipality removes because the candidate has failed to remove the political advertising no later than 10 days after the election, except in the case of the winner of a primary election as provided in paragraph I. Moneys received under this paragraph shall be paid to and deposited with the city or town treasurer.*

Adopted.

Report adopted.

Ordered to third reading.

**HB 640**, relative to political contributions, write-in candidates, and distributing campaign literature at polling places. INEXPEDIENT TO LEGISLATE.

The contents of this bill will be considered in HB 740 pertaining to campaign finances. Vote 9-3. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Adopted.

**HB 739-FN**, relative to the form of presidential primary election ballots. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

MAJORITY: This bill would provide that the candidates' names on the presidential primary election ballots would be in the same alphabetical order on every ballot in the state. The majority of the Committee favored printing the candidates' names alternately in the same form as the state primary election ballot. Vote 10-2. Rep. Norman B. Lawrence for the Majority of Constitutional and Statutory Revision.

MINORITY: The minority favors HB 739 because it would make all ballots uniform, reduce printing cost, and would not pose a disadvantage alphabetically to the

candidates. Rep. H. Thayer Kingsbury for the Minority of Constitutional and Statutory Revision.

Adopted.

**HB 743-FN**, relative to listing representatives to the general court on the ballot. OUGHT TO PASS.

House Bill 743 is favored by the Committee because it clarifies the title as printed on the ballot for State Representative. Vote 8-3. Rep. H. Thayer Kingsbury for Constitutional and Statutory Revision.

Adopted.

Ordered to third reading.

**CACR 12**, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court. OUGHT TO PASS.

The Executive Department can make rules some of which may not represent legislative intent and mandate certain activity to cities and towns. This gives the Legislature the ability to overrule executive rules. Vote 12-1. Rep. Calvin Warburton for Constitutional and Statutory Revision.

Rep. Holden yielded to questions.

Rep. Gross spoke in favor and yielded to questions.

On a division vote, 339 members having voted in the affirmative and 5 in the negative, CACR 12 was ordered to third reading by the constitutionally required three-fifths.

### CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the Wednesday's House Calendar be adopted.

**HB 58**, establishing a Martin Luther King Day, was removed at the request of Rep. Gross.

**HB 61-FN**, relative to the distribution of moneys received as a result of the commission of a crime, was removed at the request of Rep. Gross.

**HB 133**, relative to the right to know law, was removed at the request of Rep. Jasper.

**HB 674**, designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers, was removed at the request of Rep. Dickinson.

**HB 709**, establishing a study committee relative to clearcutting forest resources, was removed at the request of Rep. Dickinson.

Consent Calendar adopted.

**HB 304**, relative to escrow of funds raised through sale of certain types of securities and to certain conditions for sale of securities. OUGHT TO PASS WITH AMENDMENT.

This committee sees this request by the Office of Securities as a good tool to clarify and set the rules from sales of securities and set standards for an offering of securities. Vote 17-0. Rep. William Tsiros for Commerce, Small Business and Consumer Affairs.

### Amendment

Amend RSA 421-B:15, XIII(a) as inserted by section 1 of the bill by replacing it with the following:

XIII.(a) In the case of any offering registered under RSA 421-B:13 or 421-B:14, where less than 75 percent of the net proceeds from the sale of the registered securities is committed for the use in the operation of or purchase of assets for a specifically identified enterprise or specifically identified enterprises, the director may require that 80 percent of the net proceeds received by the issuer shall be placed into escrow until:

(1) The completion of a transaction or series of transactions whereby at least 50 percent of the gross proceeds received from the sale of registered securities, including any amounts actually received by the issuer upon exercise of registered warrants or rights to purchase or subscribe to another security, are committed for such uses in a specifically identified enterprise or specifically identified enterprises; and

(2) The lapse of no more than 10 days after receipt by the director of notice of the proposed release of funds from such escrow.

### AMENDED ANALYSIS

This bill authorizes the director to require an issuer of securities to escrow 80 percent of the proceeds from sales of certain securities when less than 75 percent of the proceeds are committed for use in operation or the purchase of specifically identified enterprises until certain requirements are met.

The bill also requires a prospectus of an offering of securities to contain a statement or legend regarding unlawful representation concerning registration or exemption.

This bill was requested by the office of securities regulation.

**HB 439**, relative to employee cooperative corporations. RE-REFER TO COMMITTEE.

The Committee felt the bill was a good concept, but this bill needs a lot of work, which the Committee needs the summer to do. Vote 17-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

**HB 571-FN**, relative to multiple-employer welfare arrangements. OUGHT TO PASS WITH AMENDMENT.

This bill with amendment covers the regulation of "multiple employer welfare arrangements" which are benefit plans established to provide health benefits to employees of more than one employer. Vote 11-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

### Amendment

Amend RSA 415-E:2, II as inserted by section 1 of the bill by replacing it with the following:

II. This chapter shall not apply to a multiple-employer welfare arrangement which offers or provides benefits which are fully insured by an authorized insurer or under the provisions of RSA 5-B.

Amend RSA 415-E:9, III as inserted by section 1 of the bill by replacing it with the following:

III. Each policy issued by the arrangement shall contain a statement of the contingent liability. Both the application for insurance and policy shall contain, in contrasting color and not less than 10-point type, the following statement: "This is a fully



assessable policy. In the event the arrangement is unable to pay its obligations, policyholders (employers) shall be required to contribute on a pro rata earned premium basis the money necessary to meet any unfilled obligations”

Amend RSA 415-E:10 as inserted by section 1 of the bill by replacing it with the following:

415-E:10 Assessments. The commissioner shall have the authority to assess all employers for all necessary funds in the event of the liquidation or the rehabilitation of the multiple-employer welfare arrangement.

Amend RSA 415-E:12 - 415-E:17 as inserted by section 1 of the bill by replacing them with the following:

415-E:12 Place of Business; Maintenance of Records. Each arrangement shall have and maintain its principal place of business in this state and shall make available to the commissioner complete records of its assets, transactions, and affairs in accordance with such methods and systems as are customary for, or suitable to, the kind of kinds of business transacted.

415-E:13 Suspension. Revocation of Approval.

I. The commissioner shall deny, suspend, or revoke an arrangement's approval if it finds that the arrangement:

(a) Is in unsound financial condition.

(b) Is using such methods and practices in the conduct of its business as to jeopardize its further transaction of business in this state or is hazardous or injurious to its participating employers, covered employees and dependents, or to the policy.

(c) Has failed to pay any final judgment rendered against it in this state within 60 days after the judgment became final.

(d) No longer meets the requirements for the authority originally granted.

II. The commissioner may, in his discretion, deny, suspend, or revoke the approval of any arrangement if it finds that the arrangement:

(a) Has violated any lawful order or rule of the commissioner or provision of this act.

(b) Has refused to be examined or to produce its accounts, records, and files for examination, or if any of its officers have refused to give information with respect to its affairs or to perform any other legal obligation as to such examination, when required by the commissioner.

415-E:14 Penalties.

I. Any person failing to hold a subsisting certificate of approval from the commissioner while operating or maintaining a multiple-employer welfare arrangement shall be subject to a fine of not less than \$5,000 or more than \$50,000.

II. The commissioner may issue a cease and desist order if he finds any person operating or maintaining a multiple-employer welfare arrangement without a subsisting certificate of approval.

415-E:15 Rehabilitation, Dissolution. Any rehabilitation, liquidation, conservation, or dissolution of a multiple-employer welfare arrangement shall be conducted under the supervision of the commissioner, who shall have all power with respect thereto granted to it under the laws governing the rehabilitation, liquidation, conservation, or dissolution of insurers.

415-E:16 Rulemaking. The commissioner may adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to carry out properly the functions and responsibilities assigned the insurance department under the laws of the

state. This rulemaking authority shall expire on January 1, 1993, at which time this section, unless replaced by a later legislative enactment, shall be deemed repealed. Any rules adopted under this section shall be drafted in as narrow a manner as possible, consistent with the authority granted the department under the laws of this state.

Amend the bill by replacing all after section 1 with the following:

2 Administration Fund. Amend RSA 400-A:39, III to read as follows:

III. Each insurer domiciled in this state, including non-profit health services corporations[,] organized pursuant to RSA 420-A, [and] health maintenance organizations organized pursuant to RSA 420-B, **and multiple employer welfare arrangements licensed pursuant to RSA 415-E**, shall make payments to the fund on or before May 1 of each year, of its pro rata share of the next fiscal year's fiscal costs of the office of the commissioner to be appropriated out of the fund. Such share is to be computed in accordance with paragraph V of this section.

3 New Position; Appropriation.

I. The insurance commissioner is hereby authorized to hire an insurance examiner I.

II. The sum of \$34,905 for the fiscal year ending June 30, 1992, is hereby appropriated to the insurance department for the purposes of paragraph I. This appropriation shall be a charge against the administration fund established in RSA 400-A:39.

4 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill authorizes the commissioner of the insurance department to regulate multiple-employer welfare arrangements. "Multiple-employer welfare arrangements" are employee welfare benefit plans established to provide health benefits to the employees of 2 or more employers, or their beneficiaries.

The bill also appropriates funds to the insurance department, to be charged against the department's administration fund, for the purpose of hiring an insurance examiner I.

Rep. Fair abstained from voting under Rule 16.

**HB 574-FN**, relative to managing general agents. **OUGHT TO PASS WITH AMENDMENT.**

This bill was requested by the Insurance Department. The bill regulates the actions of managing general agents and is model legislation from the National Association of Insurance Commissioners. There is a potential for abuse among managing general agents, and the public should be protected. Vote 18-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend 402-E:1, III(b)(3) as inserted by section 1 of the bill by replacing it with the following :

(3) An underwriting manager which, pursuant to contract, manages all insurance operations of the insurer other than those managed by the insurer itself, is under common control with the insurer, subject to RSA 401-B, the holding company regulatory act, and whose compensation is not based on the volume of premiums written.

Amend RSA 402-E:1, III(b) as inserted by section 1 of the bill by inserting after subparagraph (3) the following new subparagraph:

(4) The attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer or inter-insurance exchange under powers of attorney.

**HB 575**, relative to liquidation and rehabilitation of insurance companies. OUGHT TO PASS.

This bill modifies laws regarding delinquency proceedings, court jurisdiction, standing of certain types of insurance companies, and court orders concerning liquidation and rehabilitation of certain insurance companies. The bill was requested by the Insurance Department. Vote 18-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

**HB 576-FN**, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers. OUGHT TO PASS.

This bill clarifies the parameters under which insurance companies other than life insurance companies may make investments. Vote 16-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

**HB 580**, relative to insurance rebates and automobile financing. OUGHT TO PASS WITH AMENDMENT.

This bill requires the holder of an automobile retail installment contract, which includes premiums for insurance, to notify the insurance company and the buyer, within 30 days if the installment contract is paid in full prior to maturity. Such notification shall indicate that a refund is due the buyer for any unused paid premium. Vote 17-0. Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend RSA 361-A:1, V to read as follows:

V. "Motor vehicle" means any device [having a cash sale price of \$7,500 or less,] propelled or drawn by any power other than muscular power, in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting power shovels, road machinery, buses, agricultural machinery and house and boat trailers.

2 New Paragraph; Insurance Premiums. Amend RSA 361-A:7 by inserting after paragraph IV the following new paragraph:

IV-a. If a retail installment contract is paid in full prior to maturity, then no later than 30 days after payment in full, the holder of the contract shall provide written notice of such payment to any insurance company that has issued an insurance contract the premium of which was financed as part of such retail installment contract. Such notice shall contain the date the retail installment contract was paid in full, the name and last known address of the buyer under the contract, and shall state that pursuant to RSA 361-A a refund by the insurer of any unused prepaid premium is due the buyer upon receipt of the notice. A copy of the notice shall be given to the buyer, or mailed to the buyer's last known address.

3 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill requires the holder of an automobile retail installment contract, which includes premiums for insurance, to notify the insurance company and the buyer, within 30 days if the installment contract is paid in full prior to maturity. Such notification shall indicate that a refund is due the buyer for any unused paid premium.

The bill modified the definition of motor vehicle for the purposes of retail installment sales by removing limits on the cash sale price.

**HB 616-FN**, relative to discrimination in insurance policies. RE-REFER TO COMMITTEE.

This bill requires the elimination of discrimination on the basis of race, color, gender, creed or national origin in all insurance rates and benefits. The Committee heard extensive testimony both for and against this issue from many community groups and from representatives of the insurance industry. The Committee feels that the issue requires further thought and study. Vote 15-3. Rep. Thea G. Braiterman for Commerce, Small Business and Consumer Affairs.

**HB 647-FN**, prohibiting price gouging in the sale of fuel products. INEXPEDIENT TO LEGISLATE.

The Committee felt that this bill simply does not meet the issue and is significantly flawed. Vote 15-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

**HB 658-FN**, relative to uninsured or hit-and-run motor vehicle coverage. OUGHT TO PASS WITH AMENDMENT.

This bill as amended brings into focus the realities of the insurance issue of stacking as found in court rulings. Vote 15-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

## Amendment

Amend RSA 264:15 as inserted by section 1 of the bill by deleting paragraph VIII.

## AMENDED ANALYSIS

This bill places limits on maximum liability of uninsured motorist coverage.

The bill limits stacking of uninsured motorist coverage and establishes an order of priority where more than one policy may apply to one vehicle.

**HB 702**, relative to designated smoking sections in public buildings. OUGHT TO PASS WITH AMENDMENT.

The amendment changes the bill to apply only to state and federal buildings of more than 20,000 square feet and if 25 percent of those who regularly work in these buildings request a designated smoking area. Although this bill is a step backwards from last year's new law, the Committee was willing to make this adjustment. Vote 17-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to designated smoking sections  
in certain buildings and offices.



Amend the bill by replacing all after the enacting clause with the following:

1 Designated Smoking Area Required. Amend RSA 155:66, I to read as follows:

I. *(a)* All enclosed places of public access and publicly owned buildings and offices, including workplaces, except in effectively segregated smoking-permitted areas designated by the person in charge. If smoking cannot be effectively segregated in any such enclosed place then smoking shall be totally prohibited. The person in charge may declare any facility non-smoking in its entirety.

*(b) However, any building or office 20,000 square feet or greater which is included in the definition of "publicly owned buildings and offices", as defined in RSA 155:66, XIII, and which is wholly owned, leased, rented or funded by the state or the federal government shall have an effectively segregated smoking-permitted area if requested by a petition signed by at least 25 percent of the employees who routinely work in such building or office. If smoking cannot be effectively segregated in any such building or office, the person in charge may declare any such building or office non-smoking in its entirety. Whenever possible the smoking-permitted area in the buildings and offices described in this subparagraph shall be in an enclosed and separate room.*

2 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill requires any building or office, 20,000 square feet or greater, which is wholly owned, leased, rented, or funded by the state or federal government to have a designated smoking-permitted area if requested by a petition signed by at least 25 percent of the employees who routinely work in such office.

**HB 704**, relative to liquidation under the supervision of the bank commissioner. **OUGHT TO PASS WITH AMENDMENT.**

This bill allows the Bank Commissioner, upon approval of the Supreme Court of a petition, to appoint an authorized federal regulatory agency as receiving or liquidating agent and to issue an emergency waiver of state laws/practices with respect to authorization to commerce banking operations in the state. Vote 15-0. Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Authority to Appoint a Federal Agency as Liquidating or Receiving Agent. RSA 395:10-a is repealed and reenacted to read as follows:

395:10-a Authority to Appoint a Federal Regulatory Agency as Liquidating or Receiving Agent. Upon petition by the bank commissioner for the state to the superior court, the court may authorize the commissioner to appoint as liquidating or receiving agent of the bank commissioner a federal agency having authority to act in such capacity, subject to consent of such federal agency, allowing the federal agency so appointed to take possession of the assets, both legal and equitable, of a legally insolvent or closed New Hampshire depository institution. As liquidating or receiving agent appointed by the bank commissioner with the permission of the court, the federal agency may assist the bank commissioner in the performance of his duties pursuant to this chapter, completing the final liquidation of such depository institution and vacation of its charter. The federal agency so appointed shall not be subject to the requirements of RSA 395:5.

2 New Section; Liquidations; Emergency Waiver. Amend RSA 395 by inserting after section 10-a the following new section:

395:10-b Emergency Waiver. The bank commissioner, upon the appointment of a federal agency as receiving or liquidating agent pursuant to RSA 395:10-a, shall have authority to issue an order waiving or suspending all laws, rules, practices and policies with respect to the authorization to commence or continue banking operations in the state of New Hampshire as he deems necessary and prudent.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill allows the bank commissioner, upon approval by the superior court of a petition to appoint a federal regulatory agency as a receiving or liquidating agent. Upon the appointment of the federal regulatory agency as receiving or liquidating agent, the bank commissioner is authorized to issue an emergency waiver of all laws, rules, practices and policies with respect to the authorization to commence banking operations in this state as he deems necessary and prudent.

This bill was requested by the banking department.

**HB 752-FN**, prohibiting merchants from requiring the recording of a credit card number or expiration date as a condition for check cashing or acceptance. **OUGHT TO PASS WITH AMENDMENT.**

This bill prohibits merchants from requiring the recording of credit card number or expiration date as a condition for check cashing or acceptance. Vote 12-1. Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend RSA 358-M:1 as inserted by section 1 of the bill by replacing it with the following:

358-M:1 Provision of Credit Card Number or Expiration Date Not Required.

I. A person shall not require as a condition of acceptance of a check or share draft, or as a means of identification, that the person presenting the check provide a credit card number or expiration date, or both.

II. This section shall not prohibit a person from requesting a purchaser to display a credit card as indicia of credit worthiness and financial responsibility or as additional identification, but the only information concerning a credit card which may be recorded is the type of credit card so displayed and the issuer of the credit card. This section does not require acceptance of a check or share draft whether or not a credit card is presented.

III. This section does not prohibit a person from requesting or receiving a credit card number or expiration date and recording the number or date, or both, in lieu of a deposit to secure payment in event of default, loss, damage, or other occurrence.

IV. No liability shall be imposed under this section on an employee acting in accordance with the directions of his employer.

**HB 767-FN**, relative to access to group health insurance policies. **OUGHT TO PASS WITH AMENDMENT.**

The bill extends the time frame within which a person, or that person's surviving spouse or dependent, who has become ineligible to participate in a group health insurance policy due to death or any other reason, has access to such group policy from 39 weeks to the same time frames as COBRA—18 months, 24 and 36 months.

Vote 16-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Access to Group Plan Extended. Amend RSA 415:18, VII(g)(1) to read as follows:

(g)(1) Whenever any individual who is a member of any group hospital, surgical, medical insurance plan or health maintenance organization becomes ineligible for continued participation in such plan for any reason including death, the benefits of such plan shall be available at the same group rate to the individual, the surviving spouse and the dependents covered by the group plan, for an extension period of [39 weeks] *whichever of the following is the longest:*

(A) 18 months;

(B) 29 months in the case of an individual who is determined, under Title II or XVI of the Social Security Act to have been disabled at the time such individual becomes ineligible for continued participation in the plan; or

(C) 36 months in the case of:

(i) the death of the covered employee;

(ii) the divorce or the legal separation of the covered employee from the employee's spouse;

(iii) the covered employee's becoming entitled to benefits under Title XVIII of the Social Security Act; or

(iv) a dependent child ceasing to be a dependent child

or until such member, surviving spouse or dependent becomes eligible for benefits under another group plan, whichever occurs first. The individual, surviving spouse or dependent shall elect to continue the participation in the group plan within 30 days after the member becomes ineligible to participate. The member, surviving spouse or dependent shall be responsible for payment of premiums to the employer or policyholder throughout the extension period. Upon termination of the extension period, the member, surviving spouse or dependent shall be entitled to exercise any option which is provided in the group plan to elect a converted policy. After timely receipt of the premium payment from the individual or surviving spouse, if the employer fails to make payments to the insurer or hospital or medical service corporation or health maintenance organization, with the result that coverage is terminated, the employer shall be liable for benefits to the same extent as the insurer or hospital or medical service corporation would have been liable if coverage had not been terminated.

2 Access to Group Plan Extended. Amend RSA 415:18, VII(g)(4) to read as follows:

(4) Whenever any group hospital, surgical, medical insurance plan, or health maintenance organization coverage terminates for any reason, the benefits of such plan shall be available at the same group rate to the individual, the surviving spouse, and the dependents covered by the group plan, for an extension period of [39 weeks] *whichever of the following is the longest:*

(A) 18 months;

(B) 29 months in the case of an individual who is determined, under Title II or XVI of the Social Security Act to have been disabled at the time such individual becomes ineligible for continued participation in the plan; or

(C) 36 months in the case of:



- (i) the death of the covered employee;*
- (ii) the divorce or the legal separation of the covered employee from the employee's spouse;*
- (iii) the covered employee's becoming entitled to benefits under Title XVIII of the Social Security Act; or*
- (iv) a dependent child ceasing to be a dependent child*

or until such member, surviving spouse, or dependent becomes eligible for benefits under another group plan, whichever occurs first. Written notice of the right to continue such group coverage shall be given by the insurance company in each master policy, certificate, and group policy. The insurance company shall furnish each employer or group an adequate supply of attachments for each master policy, certificate, or group policy in effect. An individual, surviving spouse, or dependent electing continuation of coverage under this subparagraph shall provide the insurance company written notice of election together with the first monthly premium contribution within 31 days from the date coverage would otherwise terminate. The group rate shall be paid by the individual, surviving spouse, or dependent directly to the insurance company. The premium rate shall be that required for the coverage being continued and shall not exceed the applicable group rate, but a reasonable administrative fee not exceeding \$3 per month may be charged to offset billing and payment costs. Upon termination of the extension period, the member, surviving spouse, or dependent shall be entitled to exercise any option which is or was provided in the group plan to elect a converted policy.

(5) If a person or member becomes entitled to the [39-week] extension period under [this] subparagraph (4) and if such person or member has not been given notice of the termination of the group plan 31 days from the date of termination of the group coverage, then the person or member shall have an additional period within which to elect the [39-week] extension period. This additional period shall expire 15 days after the person or member shall have been given said notice, but in no event shall the additional period extend beyond 6 months after the expiration of the original 31-day period. Written notice presented to the person or member or mailed by the policyholder to the last known address of the person or member as furnished by the policyholder shall constitute the giving of notice for the purpose of this subparagraph. If an additional period is allowed the person or member for election of the [39-week] extension period as provided in [this] subparagraph (4), and if written notice of election accompanied by the first monthly premium and any monthly premiums which may be overdue, if any, is made after the expiration of the original 31-day period, but within the additional period allowed an employee or member in accordance with [this] subparagraph (4), the effective date of the extension period shall be the date of termination from the group. In no event shall a person or member entitled to such extension period be responsible for premiums accrued and unpaid prior to the termination or cancellation of the coverage.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill extends the time frame within which a person, or that person's surviving spouse or dependent, who has become ineligible to participate in his group health insurance policy due to death or any other reason has access to such group policy to a period consistent with COBRA.



**HB 462**, relative to special education hearing officers. OUGHT TO PASS WITH AMENDMENT.

This bill corrects a shortcoming in the current law regarding special education hearing officers. Such officers shall have the authority to compel the attendance of witnesses at hearings. Vote 19-0. Rep. Robert H. Guest for Education.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Special Education Hearing Officers. Amend RSA 186-C by inserting after section 16 the following new section:

186-C:16-a Special Education Hearing Officers. Hearing officers appointed by the department of education to hear special education impartial due process appeals shall have the authority to compel the attendance of witnesses in accordance with RSA 516:1. The state board of education may promulgate rules pursuant to RSA 541-A to implement this section and to determine who shall have the responsibility for the costs of the subpoena.

#### AMENDED ANALYSIS

This bill authorizes individuals acting as special education hearing officers to compel the attendance of witnesses and authorizes the state board of education to promulgate rules and determine who shall pay the costs of the subpoena.

**HB 463**, relative to rulemaking for the board of education. OUGHT TO PASS WITH AMENDMENT.

This bill clarifies and reaffirms the legislative intent of the 1984 Sunset Law legislation regarding the rulemaking authority of the Commissioner of Education. It also requires that the Commissioner's Office give notification to the House and Senate Education Committees prior to proposed new rules or rule changes being submitted to the Joint Legislative Committee on Administrative Rules. Vote 19-0. Rep. Robert H. Guest for Education.

#### Amendment

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Additional Duty. Amend RSA 21-N:4 by inserting after paragraph IV the following new paragraph:

V. Have the authority to adopt rules, pursuant to RSA 541-A, notwithstanding any other provision of law to the contrary, necessary to implement the specific statutes administered by the department or by any division or unit within the department. The commissioner shall notify the house and senate education committees of any rules proposed pursuant to this paragraph.

4 Reference Changed to Commissioner. Amend the introductory paragraph of RSA 21-N:9, I to read as follows:

I. The [board of] *commissioner of the department of* education shall adopt rules, pursuant to RSA 541-A, relative to minimum standards for:

5 Reference Changed to Commissioner. Amend the introductory paragraph of RSA 21-N:9, II to read as follows:

II. The [board of] *commissioner of the department of* education shall adopt rules, pursuant to RSA 541-A, relative to:

6 Repeal. RSA 21-N:11, V relative to the adoption of rules by the state board of education is repealed.

7 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill deletes a reference to the rulemaking authority of blind services and adds a reference to blind services under the board of education's rulemaking authority.

The bill also grants the commissioner of the department of education rulemaking authority necessary to promote the administration of the chapter.

**HB 471**, relative to parents' right to know concerning teacher certification. INEXPEDIENT TO LEGISLATE.

This bill mandates that a school district notify the parents of classroom students when the school district hires a teacher for that classroom under the Alternative Five Certification Program. In addition to being a mandate, this legislation did not address questions relative to problems and/or costs incurred at the local level should parents object to their children having teachers with Alternative Five Certification. Vote 16-0. Rep. Jacquelyn Domaingue for Education.

**HB 563-FN**, relative to the creation of trust funds and relative to unanticipated school funds. OUGHT TO PASS WITH AMENDMENT.

This bill will give school district voters the opportunity to set up trust funds. Vote 19-0. Rep. Kathleen M. Hoelzel for Education.

#### Amendment

Amend RSA 198:20-c, I as inserted by section 2 of the bill by replacing it with the following:

I. The school district may at any annual meeting appropriate such sums of money as it deems necessary to create expendable trust funds for specific purposes for the maintenance and operation of schools and for any other public purpose that is not foreign to the school district's institution or incompatible with the objects of their organization. The school board shall be named agents to expend such trust funds. Expenditure from such trust funds shall be made only for the purpose for which the trust fund was established.

**HB 632-FN**, relative to special education. RE-REFER TO COMMITTEE.

The Committee felt strongly that there is a problem with certain appeals for due process hearings regarding individualized education plans in Special Education and it should be addressed to the satisfaction of all concerned. Time is needed for further study and to seek additional information to bring forth a better law. Vote 19-0. Rep. Robert M. Gilbreth for Education.

**HB 655-FN**, relative to statistical reports. OUGHT TO PASS.

This is an effort to coordinate dates of reportings to the Department of Education by local school districts. It would allow the Department of Education to release statistics, reports, etc., to local districts in a more timely manner. Vote 17-0. Rep. Kathleen M. Hoelzel for Education.

**HB 326-FN**, relative to disciplinary hearings before the pharmacy board. RE-REFER TO COMMITTEE.

This is a very complex bill, with a major amendment that was brought in at the last minute giving no time for the Committee to discuss the amendment in conjunction with the bill with the Board of Pharmacy and various other interests.

The Committee feels that, with study, it can come out with a good, positive bill that will be agreeable with all involved and hopes, with study, to bring in a comprehensive

bill in 1992. Vote 16-0. Rep. Lawrence A. Emerton for Executive Departments and Administration.

**HB 446-FN**, relative to the board of registration in medicine. RE-REFER TO COMMITTEE.

This bill has much merit, and the sponsor gave excellent testimony. However, the Committee, due to the complex nature of the amendment and the fact that the Committee did not have testimony on the amendment from the Attorney General's Office, felt that it needed more time to completely study this matter so it can bring a comprehensive bill before the 1992 session. Vote 16-0. Rep. Lawrence A. Emerton for Executive Departments and Administration.

**HB 488-FN**, relative to the flexible spending programs. OUGHT TO PASS.

House Bill 488 authorizes the Director, Division of Personnel, to use funds in the employee benefit adjustments account to pay for certain administrative costs and certain advance costs of the program and the Committee found this quite appropriate. The program allows state employees to have deducted from their gross pay, before taxes, expenses for day care (adult and child) and additional medical benefits. Vote 13-0. Rep. Robert L. Wheeler for Executive Departments and Administration.

Referred to Appropriations.

**HB 691-FN**, relative to licensing and certification of real estate appraisers. OUGHT TO PASS WITH AMENDMENT.

This is an updating of a Real Estate Licensing law that was passed by the Legislature last year. This updating is a requirement of the Federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), that requires that all appraisers of real estate in the United States be either licensed and/or certified in 1991 if they appraise for any lending institution that has anything to do with the United States Government. Passage of this bill will allow New Hampshire appraisers to continue their work, after licensing, helping to keep our economy stable and hopefully growing.

The amendment adds more federal requirements that have come in since the bill was filed. The private detective portion of the amendment is a correction of a bill passed with errors last year. Vote 15-0. Rep. Lawrence A. Emerton for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to licensing and certification of real estate  
appraisers and licensing private detectives.

Amend RSA 310-B:6, I as inserted by section 7 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) The certified residential real estate appraiser classification shall consist of those persons meeting the requirements set forth by the Appraisal Foundation.

Amend RSA 310-B:9, I as inserted by section 12 of the bill by replacing it with the following:

I. An applicant for original *licensure or* certification as a *licensed or* certified real estate appraiser shall possess [the equivalent of 2 years' full-time experience in real property appraisal supported by written reports or file memoranda, in accordance

with standards established by the Appraisal Foundation. Such experience shall be acquired within a period of 5 years immediately preceding the filing of the application for certification] *such experience as the board shall require by rules adopted under RSA 541-A. Such rules shall be based upon the criteria established by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.*

Amend RSA 310-B:10 as inserted by section 13 of the bill.

310-B:10 Term of *Licensure or Certification*. The term of a *license or* certificate issued under the authority of this chapter shall be 3 years from the date of issuance. The expiration date of the *license or* certificate shall appear on the *license or* certificate and notice of its expiration shall be given to its holder. *The board shall stagger the terms of licenses or certificates issued on or before January 1, 1993, so that 1/3 of such licenses or certificates shall expire each year for the 3 years next following.*

Amend RSA 310-B:14, II as inserted by section 17 of the bill by replacing it with the following:

II. The basic continuing education requirement for renewal of *licensure or* certification shall be the completion by the applicant, during the immediately preceding term of *licensure or* certification, of [not less than 45 classroom hours of instruction in courses or seminars which have received the approval of the board] *those courses and programs required by the board by rules adopted under RSA 541-A. In adopting such rules, the board shall base its requirements on the criteria established by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.*

Amend RSA 310-B:20 as inserted by section 24 of the bill by replacing it with the following:

310-B:20 Fees. The board shall establish fees for *application, for* examination of applicants, for *licensure or* certification and for renewal of *licensure or* certification under this chapter, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year, and sufficient to provide for periodic payments to reimburse the general fund for money appropriated for the purposes of this chapter.

Amend the bill by inserting after section 29 the following and renumbering the original sections 30 and 31 to read as 31 and 32, respectively:

30 New Paragraph; Continuing Education and Experience Requirements. Amend RSA 310-B:24 by inserting after paragraph VIII the following new paragraph:

VIII-a. Establishing continuing education and experience requirements which comport with the criteria set forth by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Amend the bill by replacing all after section 31 with the following:

32 Declaration of Purpose: Detective Agencies and Security Services. RSA 106-F:1 is repealed and reenacted to read as follows:

106-F:1 Declaration of Purpose. The purpose of this chapter is to:

I. Provide reasonable supervision and control of private detective agencies and their employees, security guard services and their employees, and individuals licensed as private detectives and security guards during business in this state.



II. Ensure the honesty, good character and integrity of individuals, licensees, and license holders.

33 New Paragraph; Definition Added. Amend RSA 106-F:4 by inserting after paragraph VI the following new paragraph:

VII. "Individual" means an individual licensed as a private detective or security guard who is not an employee and who has no employees.

34 Private Detective Employees Exception. Amend the introductory paragraph of RSA 106-F:6, VIII(d) to read as follows:

(d) *Except for employees*, possess:

35 Reference to Individuals Added. Amend RSA 106-F:16 to read as follows:

106-F:16 Penalty. Any *individual* or person who engages in business as a private detective agency or security guard service without first having obtained a license therefor or who violates any other provisions of this chapter shall be guilty of a misdemeanor.

36 Effective Date.

I. Sections 31-34 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill, in order to comply with federal guidelines, adds the classification of "licensed real estate appraiser" to the laws governing the profession of real estate appraisers.

The bill also modifies the minimum education and experience requirements and the continuing education requirements for real estate appraiser licensure and certification.

This bill allows employees of private detective agencies to be licensed without having to meet the experience requirements of private detectives.

**HB 757-FN**, relative to licenses for employment offices. **OUGHT TO PASS WITH AMENDMENT.**

The current law dealing with employment offices is no longer viable today, and therefore the Committee recommends its repeal. Vote 14-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

repealing the law relative to employment offices.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 274, relative to employment offices, is repealed.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill repeals the law requiring licenses for employment offices.

**HB 710-FN**, relative to the regulation of tree stands, observation blinds, and pit blinds. **OUGHT TO PASS WITH AMENDMENT.**

The Committee feels that while this bill, unamended, addresses a problem in some areas of the state, it would create a further problem of adding unnecessary governmental paperwork in areas where the problem doesn't exist. The bill, as amended, would prohibit any use of a tree stand, observation blind or pit blind that damages

property without the express permission of the landowner. Vote 12-0. Rep. Richard W. Lougee for Fish and Game.

### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Tree Stands, Observation Blinds and Pit Blinds. Amend RSA 207 by inserting after section 36 the following new section:

207:36-a Use of Tree Stands, Observation Blinds, and Pit Blinds.

I. No person shall erect, build or use a tree stand or observation blind on land of another person that damages or destroys a tree by inserting into the tree any metallic, ceramic, or other object used as part of a ladder or observation deck, without express written permission from the property owner or designee.

II. No person shall erect, build or use a pit blind on land of another person without express written permission from the property owner or designee.

III. No person shall cut any tree in connection with any of the activities regulated under this section without the express written permission of the property owner or designee.

IV. The permittee shall carry such permit on his person while in the field and shall be subject to inspection on demand of any conservation officer.

V. All property owner permits shall expire on December 31 of each year unless rescinded by the property owner or designee.

VI. Any person who violates any provision of this section shall be guilty of a violation and shall be liable for the amount of damage caused by the act, to be recovered by the property owner sustaining the damage.

VII. The executive director shall adopt rules, pursuant to RSA 541-A, relative to the form, issuance and filing of property owner permits for the tree stands, observation blinds and pit blinds.

2 Effective Date. This act shall take effect 60 days after its passage.

### **AMENDED ANALYSIS**

This bill prohibits the erection, building or use of tree stands, observation blinds, and pit blinds and the cutting of trees in connection with such activities without the express written permission of the property owner or designee.

**HB 451-FN**, relative to licensing health facilities. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 451 clarifies the facilities which are to be licensed under RSA 151 and distinguishes between residential care and health facilities. It describes the various levels of licensure and clarifies the procedures for inspections, investigations and the issuance of warnings for noncompliance with licensure requirements for residential care and health facilities. Vote 17-0. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

### **Amendment**

Amend the title of the bill by replacing it with the following:

### **AN ACT**

relative to the licensing of residential care and health facilities.

Amend the bill by replacing all after the enacting clause with the following:

I Chapter Title Changed. The chapter title of RSA 151 is repealed and reenacted to read as follows:

**RESIDENTIAL CARE AND HEALTH FACILITY LICENSING**

2 License Required. RSA 151:2 is repealed and reenacted to read as follows:

151:2 License Required.

I. The following facilities shall not be established, conducted, or maintained without acquiring a license under this chapter:

(a) Hospitals, as defined in RSA 151-C:2, and infirmaries or health services maintained by an educational institution.

(b) Home health care providers, as defined in RSA 151:2-b.

(c) Laboratories performing tests or analyses of human samples, or collection stations operated by laboratories.

(d) Facilities or portions of a facility operating as an outpatient rehabilitation clinic, ambulatory surgical center, community health clinic, hospice, emergency medical care center, drop-in or walk-in care center, dialysis center, birthing center, or other entity where health care associated with illness, injury, deformity, infirmity or other physical disability is provided, whether operated for profit or for free or at a reduced cost, however named, and whether owned by a hospital or hospital holding corporation or operated as part of a hospital's services.

(e) Residential care facilities, whether or not they are private homes or other structures built or adapted for the purpose of providing residential care, offering services beyond room and board to 2 or more individuals who may or may not be elderly or suffering from illness, injury, deformity, infirmity or other permanent or temporary physically or mental disability. Such facilities shall include those:

(1) Offering residents home-like living arrangements and social or health services including, but not limited to, providing supervision, medical monitoring, assistance in daily living, protective care or monitoring and supervision of medications; or

(2) Offering residents social, health, or medical services including, but not limited to, medical or nursing supervision, medical care or treatment, in addition to any services included under subparagraph (1).

Such homes or facilities shall include, but not be limited to, nursing homes, sheltered care facilities, rest homes, residential care facilities, board and care homes, or any other location, however named, whether owned publicly or privately or operated for profit or not.

(f) Adult day care services offering medical supervision, care or treatment, or providing assistance in daily living activities, to 3 or more individuals, whether operated for profit or not.

II. This chapter shall not be construed to require licensing of the following:

(a) Facilities which are operated for the continuing care of one person or 3 or fewer persons in a facility certified by the director of the division of mental health and developmental services under RSA 126-A:39 and 126-A:40.

(b) Facilities maintained or operated for the sole benefit of persons related to the owner or manager by blood or marriage within the third degree of consanguinity.

(c) Facilities maintained and operated by any church or religious denomination solely for those ordained clergy or members of religious orders.

(d) Facilities providing only room and board.

(e) Physicians' offices and related facilities.

(f) Offices and related facilities of other persons licensed in this state to practice a health care profession.

(g) Any other facility exempted by rules adopted under this chapter.

III. Facilities licensed under this chapter shall not claim to promote or advertise themselves, in any form or manner, as providing, or being able to provide services other than those for which they are licensed.

3 Application Procedures. Amend RSA 151:4, III to read as follows:

III.(a) The division of public health services in the department of health and human services shall require that applications set forth the:

[(a)] (1) Full name and address of the owner of the facility for which license is sought,

[(b)] (2) Name of the persons in control thereof.

[(c)] (3) Certification, where local licensing is required, that the facility conforms with applicable local rules, regulations and ordinances having to do with health and safety,

[(d)] (4) Name or location, or both, of community residences together with any certification required under subparagraph [(c)] (a)(3) of this paragraph, when the application is submitted by an area agency as defined under RSA 171-A:2, 1-b.

*(b) In addition to the requirements of subparagraph III(a), for facilities providing residence, the application shall include a description of the services and programs to be offered to the residents and a description of the facility's relation to or reliance upon any health care to be provided or offered to residents by individuals, agencies, or organizations from outside of the residence who are not employees of or under contract with or which will not receive payment from the applicant.*

4 New Sections: Needs Determination; Assuring Appropriate Care. Amend RSA 151:5 by inserting after section 5 the following new sections:

151:5-a Needs Determination; Assuring Appropriate Care.

I. All facilities licensed as a residential care facility, defined under RSA 151:2, I(e) shall, prior to accepting a new resident and every 6 months thereafter, complete a determination that the needs of the individual are compatible with the facility and the services and programs offered within the facility. The individual needs determination shall, if not otherwise required for certification of the facility under Titles XVIII and XIX of the Social Security Act, as amended, conform to rules adopted by the director, division of public health services and recorded on a form provided by the director. Completed forms shall be maintained in the resident's file and be available for inspection under RSA 151:6 and 151:6-a.

II. No licensed residential care facility as defined in RSA 151:2, I(e), shall accept as a new resident any individual whose needs cannot be met under the license issued to the facility. If such a facility has a resident whose physical or mental needs exceed the services and programs provided for under its current license, it shall apply for an appropriate license or, with the assistance of the family and any other appropriate services, it shall place the individual in a facility with a level of licensure appropriate to the individual's needs.

151:5-b Deemed Licensed. Any facility or home health agency certified under Titles XVIII or XIX of the Social Security Act, as amended, shall submit a completed license application, or license renewal form, together with the appropriate fee. Such facility or agency shall be deemed licensed under this chapter and shall be exempt



from inspections carried out under RSA 151:6-a. This section shall only apply to the activities or portions of the facility or agency certified under Titles XVIII or XIX of the Social Security Act, as amended.

5 Investigations Added. RSA 151:6 is repealed and reenacted to read as follows:

151:6 Investigations and Consultations.

I. The department of health and human services, division of public health services, may investigate, in response to a complaint alleging a violation of this chapter or when it has good reason to believe that the provisions of this chapter or rules adopted under this chapter have been violated by any facility licensed under this chapter or any facility providing room and board to 2 or more individuals unrelated to the owner or manager. Such investigations shall be conducted in accordance with rules adopted by the director, division of public health services, under RSA 151:9. The director, division of public health services, shall, when necessary, seek the assistance of local and state law enforcement authorities in order to complete its investigation.

II. The department of health and human services, division of public health services, may require by rule that any licensee or prospective applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit plans and specifications therefor to the department of health and human services, division of public health services, for preliminary inspection and approval or recommendations.

III. The division of public health services shall make consultation services available, which shall include visits to the facility, to individuals seeking licensure or who are uncertain if a license is required for their facilities.

6 Residential Facilities Added. Amend RSA 151:6-a to read as follows:

151:6-a Annual Inspection. The division of public health services shall make at least one annual unannounced inspection of every facility [for which a license is required] *licensed* under this chapter. *For residential care facilities, defined in RSA 151:2, 1(e), the inspection shall include a review of the programs and services offered in the facility to assure that the facility is in compliance with its current level of licensure, and a survey of the most recent individual resident needs determinations where such surveys are not done under the survey and certification process for Titles XVIII and XIX of the Social Security Act, as amended, to assure that the facility and its programs and services are appropriate to the needs of the residents. Inspection results shall be provided as a written report which distinguishes between those findings that do, and those which do not, indicate a pattern of care, or which demonstrate over the period of at least 2 inspections, a trend in the care of residents or management of the facility which has the potential for adversely affecting the health of the residents.* The results of this inspection and any later inspection shall be posted in a conspicuous place in the facility in the manner determined by the director of the division. The results so posted shall indicate the facilities and services inspected and the results for each such facility or service. This section shall not apply to acute care general hospitals when the division and the joint committee for accreditation of hospitals have agreed on joint inspection standards.

7 New Subparagraph: Residential Care Facilities Added. Amend RSA 151:7, II, by inserting after subparagraph (d) the following new subparagraph:

(e) Services and programs provided by residential care facilities which exceed the licensure level or the failure to provide services and programs required under the licensure level.

8 Warnings Clarified. RSA 151:7-a is repealed and reenacted to read as follows:  
151:7-a Warnings; Results of Investigations.

I. The department of health and human services, division of public health services, may issue a warning, following an investigation conducted under RSA 151:6 or the inspection provided for in RSA 151:6-a, to a facility requiring compliance with the provisions of this chapter and the rules adopted under it. The warning shall state a time frame within which the facility shall comply with the directives of the warning, including, for facilities not licensed under this chapter but which are found to require licensure, the final date by which the action or actions requiring licensure must cease or by which an application for licensure must be received by the division of public health services before the division initiates any legal action available to it to cease the operation of the facility.

II. The results of an investigation conducted under RSA 151:6 shall be provided to the licensee, or, for an unlicensed facility, to the owner or person responsible for the facility in the owner's absence. The results of an investigation of an unlicensed facility shall be provided prior to the issuance of any warning and the owner or person responsible shall be given the opportunity to respond to any findings. Such response shall be considered by the division of public health services prior to the issuance of a warning under paragraph I.

III. An unlicensed facility may appeal a warning. Appeals shall be conducted in accordance with RSA 151:8.

9 New Paragraph; Rulemaking. Amend RSA 151:9 by inserting after paragraph VI the following new paragraphs:

VII.(a) The rules adopted under RSA 151:9, 1 for residential care facilities shall, in establishing licensure classifications, recognize the following licensure levels which correspond to a continuum of care requiring different programs and services to assure quality of life in the least restrictive environment possible:

(1) Residential care, requiring a minimum of regulation and reflecting the availability of assistance in personal and social activities with a minimum of supervision or health care, which can be provided in a home or home-like setting.

(2) Supported residential care, reflecting the availability of and need by residents of the facility for social or health services from appropriately trained or licensed individuals, who need not be employees of the facility, or for supervision for as much as 24 hours a day by appropriately trained or licensed individuals. Such facilities may also include the provision of medical care for convalescing residents.

(3) Nursing homes providing a range of social and health services, including 24-hour-a-day supervision and the provision of medical care and treatment, according to a plan of care, by appropriately trained or licensed individuals who are employees of or who are under contract to the facility.

(4) Special needs residential facilities, other than specialty hospitals, which, in addition to meeting the criteria of subparagraph (1), (2), or (3), reflect the availability of specialized supervision and treatment appropriate to the needs of the residents being cared for by appropriately trained or licensed individuals.

(b) Additional levels of classification may be established within each major level, and a facility may hold more than one license. The director of the division of public health services may, in adopting rules under RSA 151:9, 1, establish limits on the number of residents to be cared for at different licensure levels.

10 Exception Added. Amend RSA 151:21, 1 to read as follows:

1. The patient shall be fully informed of a patient's rights and responsibilities and of all procedures governing patient conduct and responsibilities. This information must be provided verbally and in writing before or at admission, or for those who are patients on August 22, 1981, immediately upon the adoption of or amendment to a patients' rights policy, and, *except for patients in acute care hospitals licensed under this chapter*, receipt of the information must be acknowledged by the patient in writing. When a patient [is mentally retarded or incapacitated] *lacks the capacity to make informed judgments* the signing must be [witnessed by a third person] *by the person legally responsible for the patient*.

11 New Section; Exception Added. Amend RSA 151 by inserting after section 21 the following new section:

151:21-a Exception for Hospitals. Hospitals licensed under this chapter are exempt from RSA 151:21, II, VI, XV and XVII.

12 Time Extended. Amend the introductory paragraph of RSA 151:26, III(a) to read as follows:

III.(a) Involuntary transfer or discharge of a patient who is not a recipient of assistance under Title XIX of the Social Security Act shall be preceded by written notice of a minimum of [21] **30** days which shall contain the following:

13 Notice Required. Amend the unnumbered concluding paragraph of RSA 151:26, III(a) to read as follows:

A copy of the notice shall be placed in the patient's clinical record and a copy shall be transmitted to the patient, the patient's next of kin, the patient's personal representative, legal guardian, *the ombudsman in the office of the ombudsman established under RSA 161-F:10 or the designated agency responsible for the protection and advocacy system for developmentally disabled and mentally ill individual*, and the person or agency responsible for the patient's placement, maintenance, and care in the facility.

14 Time Extended. Amend the introductory paragraph of RSA 151:26, III(b) to read as follows:

(b) The [21] **30**-day requirement shall not apply in any of the following:

15 Effective Date. This act shall take effect January 1, 1992.

**HB 466-FN**, establishing a study committee to evaluate residential care facilities. INEXPEDIENT TO LEGISLATE.

By a vote of 13-0, the Committee voted HB 466 Inexpedient to Legislate. It feels that the concerns expressed in this bill will be addressed in HB 451, a bill to clarify the licensing procedures for residential care facilities. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

**HB 613-FN**, relative to the procedures of the certificate of need board. OUGHT TO PASS WITH AMENDMENT.

This bill changes the threshold for a certificate of need for construction, renovation, expansion or alteration of any acute care health facility to \$1,500,000, adjusted annually to reflect inflation. It establishes a time frame for complete review of amended applications. Vote 16-0. Rep. Mary C. Holmes for Health, Human Services and Elderly Affairs.

**Amendment**

Amend RSA 151-c:5. II(f) as inserted by section 6 of the bill by replacing it with the following:

*(f) The construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than \$1,000,000. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.*

Amend the bill by replacing section 14 with the following:

14 Effective Date. This act shall take effect 60 days after its passage.

**HB 266-FN.** relative to training of inspectors with the department of agriculture. INEXPEDIENT TO LEGISLATE.

The Commissioner of Agriculture opposed this bill because it removes the requirement that department inspectors take part in a training program, which he felt was important. Vote 13-0. Rep. Elizabeth D. Lown for Judiciary.

**HB 269.** granting probate judges greater discretion to require bonds from executors and trustees. OUGHT TO PASS WITH AMENDMENT.

HB 269 gives probate judges the discretion to require additional bonds of executors and trustees in order to better protect estate funds for beneficiaries. It also allows probate judges to schedule the dates on which their courts shall meet. Vote 13-1. Rep. Nancy M. Ford for Judiciary.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

granting probate judges greater discretion to require bonds from executors and trustees and relative to probate court scheduling.

Amend the bill by replacing section 3 with the following:

3 New Section: Probate Court Scheduling. Amend RSA 548 by inserting after section 4 the following new section:

548:4-a Scheduling. The registers of probate for each county shall schedule all cases and matters to be held in said county with the advice and consent of the probate judge sitting in said county.

4 Repeal. RSA 549, relative to times and places of holding courts of probate, is repealed.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 1992.

II. Sections 3 and 4 of this act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill grants judges greater discretion in requiring bonds from executors and trustees in cases of administration of estates.

The bill also abolishes the statutory schedule of sessions for the probate court.

**HB 344-FN.** relative to eligibility for admission to the New Hampshire bar. REFER TO COMMITTEE.

This bill intends to allow Canadian legal training to qualify for the New Hampshire Bar Examination. Because of questions raised regarding the authority of the Supreme



Court to administratively act in this regard, it was the Committee view that the bill be held until these questions have been answered. Vote 13-0. Rep. Alf E. Jacobson for Judiciary.

**HB 410-FN**, relative to certification as an habitual offender for DWI-related convictions. RE-REFER TO COMMITTEE.

This is a bill similar to HB 534 relative to habitual offenders, a bill this Committee previously re-referred. It is the Committee's intention to go through the entire habitual offender statute. Time constraints prevent this from happening this quickly. Vote 15-0. Rep. Donnalee M. Lozeau for Judiciary.

**HB 445-FN**, defining "compact parts" of towns and cities with regard to criminal charges for unauthorized use of firearms and firecrackers. OUGHT TO PASS WITH AMENDMENT.

Both the original bill and the amendment define the "compact area" where discharge of firearms is prohibited. The amendment refines the definition to set specific frontage of 300 feet from the compact area. Vote 11-0. Rep. Alf E. Jacobson for Judiciary.

#### Amendment

Amend RSA 644:13, II as inserted by section 1 of the bill by replacing it with the following:

II. For the purposes of this section, "compact part" means the territory within a town or city comprised of the following:

(a) Any contiguous area containing 6 or more buildings and the spaces between them where each such building is within 300 feet of at least one of the others, plus a perimeter 300 feet wide around all the buildings in such area.

(b) Any park, playground, or other outdoor public gathering place designated by the legislative body of the city or town.

**HB 455**, relative to determination of amount of alimony awards. OUGHT TO PASS WITH AMENDMENT.

The Committee concurred with the bill as follows: "In determining the amount and sources of income, the court shall not consider a minor child's social security benefit payments on a second or subsequent spouse's income," in determining any alimony orders. This bill becomes effective 60 days after passage. Vote 13-0. Rep. Alice B. Record for Judiciary.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 503**, relative to recovery of medical assistance payments. RE-REFER TO COMMITTEE.

This bill purports to clarify the way in which the state recovers medical assistance payments. So many issues were raised at the public hearing about the rights of citizens, the elderly and surviving spouses that the Committee felt it should refer this matter for further study. Vote 14-0. Rep. Peter Hoe Burling for Judiciary.

**HB 541**, relative to arrests for abuse of elderly or incapacitated adults. INEXPEDIENT TO LEGISLATE.

Current law allows warrantless arrest in the case of abuse under RSA 594:10 which covers the elderly as well as others. It is the opinion of this Committee that the real

problems are in the enforcement divisions of the local police departments. It appears they are unaware that the state has provided them this tool. Vote 15-0. Rep. Donnalee M. Lozeau for Judiciary.

**HB 628-FN**, relative to providing alcohol to persons under 21 years of age. INEXPEDIENT TO LEGISLATE.

The Committee agrees with the intent of this bill, however, the wording of the bill does not agree with that intent. As written the bill would affect drastically the indigent defense fund. The words "negligently provides" are unclear and could defeat the purpose of the bill. The bill would establish minimum mandatory fines and would raise penalties from a violation to a misdemeanor. Vote 14-0. Rep. C. William Johnson for Judiciary.

**HB 635-FN**, establishing a study committee to review misdemeanors and misdemeanor sentencing. OUGHT TO PASS WITH AMENDMENT.

The importance of this bill cannot be understated. The whole question of misdemeanors needs to be reviewed and a great number of people need to be talked with. The Committee would prefer to do this work directly, rather than refer it to some interim group which will then have to report back to the Legislature. Vote 12-0. Rep. Peter Hoe Burling for Judiciary.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

authorizing the house judiciary committee to study  
misdemeanors and misdemeanor sentencing.

Amend the bill by replacing all after the enacting clause with the following:

I Misdemeanor Sentencing Studied. The house judiciary committee shall study all existing misdemeanor statutes relative to their terms of imprisonment and shall review whether such terms should be altered by establishing a second class of misdemeanor. The committee shall also explore whether certain misdemeanors should be reduced to violations.

2 The committee shall consult with the following without limitations:

- I. The judicial council.
- II. The attorney general or designee.
- III. The executive director of the New Hampshire public defender program or designee.
- IV. A representative of the New Hampshire Police Chiefs Association.
- V. The county prosecutors.
- VI. The municipal prosecutors.
- VII. The administrative judge of the district courts, or designee.
- VIII. The administrative judge of the superior courts, or designee.
- IX. The administrative judge of the probate courts, or designee.
- X. The joint legislative performance audit and oversight committee.
- XI. The commissioner of corrections or designee.
- XII. The governor's legal counsel.
- XIII. The New Hampshire Police Association.

3 Report. The committee shall submit its report with its recommendations for legislative action on or before November 1, 1991, to the speaker of the house, the president

of the senate, the governor, and the chairpersons of the house and senate judiciary committees.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill authorizes the house judiciary committee to review misdemeanors and sentencing for misdemeanors, as recommended by the legislative budget assistant's audit of the indigent defense program and by the long-range planning task force of the New Hampshire supreme court. The committee will also explore whether certain misdemeanors should be reduced to violations.

The committee must submit a report on or before November 1, 1991, to the speaker of the house, the senate president, the governor, and the chairpersons of the house and senate judiciary committees.

This bill was requested by the judicial council.

**HB 661-FN**, allowing annulments of criminal records of persons who served a term of imprisonment. **OUGHT TO PASS WITH AMENDMENT.**

This bill permits the courts, under certain conditions, to annul records of conviction and sentence of a person who has been imprisoned. Under present law, annulment is possible only if ALL of the sentence was suspended. The amendment clears up an anomaly in the corrections provision for persons under 21 years of age. Vote 15-0. Rep. Richard H. Campbell, Jr. for Judiciary.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Annulment of Criminal Record of Person Who Was Imprisoned or Sentenced to a Suspended Sentence. Amend RSA 651:5, III and IV to read as follows:

III. If a person has been sentenced to *imprisonment or to a* suspended sentence [and has not been imprisoned under that sentence] and has been convicted of no other crime except a traffic offense during a 5-year period following *his release or* the completion of his suspended sentence, he may at any time after such 5-year period apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

IV. If a person under 21 years of age at the time of his criminal act [is] *has been* sentenced to imprisonment *or to a suspended sentence* and [in any 3-year period following his release] has been convicted of no other [offense] *crime* except a traffic offense *during a 3-year period following his release or the completion of his suspended sentence*, he may[, ] at any time after such 3-year period[, ] apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

#### AMENDED ANALYSIS

This bill allows annulment of a record of criminal conviction and sentence of a person who served a term of imprisonment, provided that such person meets all other requirements for annulment.

The bill also allows a person who was under 21 years of age at the time of his criminal act and was sentenced to a suspended sentence to apply for an annulment of his record of criminal conviction during a 3-year period following completion of his suspended sentence.

**HB 675-FN**, relative to DWI penalties while operating a motor vehicle, OHRV, or boat or while transporting a child. RE-REFER TO COMMITTEE.

This bill had seven sections, as well as a lengthy amendment by the Fish and Game Department. The Committee needs additional time to work on this bill. Vote 15-0. Rep. David D. Hultgren for Judiciary.

**HB 689-FN**, relative to administrative motor vehicle license revocation. RE-REFER TO COMMITTEE.

It is the position of the Committee that this bill's intent is to prevent the significant incidence of driving after a DWI offense. The bill needs further attention. A Senate Bill (SB 50) on the same subject was killed March 14, so this bill is even more important to keep alive. Vote 14-0. Rep. Donnalee M. Lozeau for Judiciary.

**HB 693-FN**, relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses. RE-REFER TO COMMITTEE.

This bill raised many serious policy decisions dealing with drug forfeiture. Time did not possibly allow for this to be dealt with properly. This bill makes significant changes. Vote 13-1. Rep. Donnalee M. Lozeau for Judiciary.

**HB 701-FN**, relative to protecting personal privacy. OUGHT TO PASS WITH AMENDMENT.

The bill limits the use of Social Security numbers in order to protect personal privacy. The bill authorizes individuals to refuse to disclose their Social Security number unless it is specifically required by state or federal law. Vote 13-1. Rep. Benjamin J. DePecol for Judiciary.

#### Amendment

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 756-FN**, relative to a victims' bill of rights. OUGHT TO PASS WITH AMENDMENT.

This bill establishes in law certain rights for crime victims, to assure that they may be treated with respect and dignity. The bill was requested by the Department of Justice. The amendment includes suggestions from the victim advocate in the Attorney General's office. Vote 14-0. Rep. Richard H. Campbell, Jr. for Judiciary.

#### Amendment

Amend RSA 21-M:8-k, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) "Victim" means a person who suffers direct or threatened physical, emotional, psychological or financial harm as a result of the commission or the attempted commission of a crime. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.

Amend the introductory paragraph of RSA 21-M:8-k, II as inserted by section 2 of the bill by replacing it with the following:

II. To the extent that they can be reasonably guaranteed by the courts and by law enforcement and correctional authorities, and are not inconsistent with the constitutional or statutory rights of the accused, crime victims are entitled to the following rights:



Amend RSA 21-M:8-k, II(g) as inserted by section 2 of the bill by replacing it with the following:

(g) The right to have inconveniences associated with participation in the criminal justice process minimized.

Amend RSA 21-M:8-k, II(j) as inserted by section 2 of the bill by replacing it with the following:

(j) The right to restitution or victim's compensation for their losses.

Amend RSA 21-M:8-k, II(t) and (u) as inserted by section 2 of the bill by replacing them with the following:

(t) The right to be notified of any change of status such as prison release, permanent interstate transfer, or escape, and the date of the parole board hearing, when requested by the victim through the victim advocate.

(u) The right to address or submit a written statement for consideration by the parole board on the defendant's release and to be notified of the decision of the board, when requested by the victim through the victim advocate.

**HB 758-FN**, relative to the right to privacy act. RE-REFER TO COMMITTEE.

This bill is a complex proposal involving financial records, credit records, credit reporting agencies and access to those records by the Attorney General. In order to protect the rights to privacy with respect to the records, the Committee needs careful study of all aspects. Vote 14-0. Rep. Alf E. Jacobson for Judiciary.

**HB 783**, relative to prior DWI convictions. RE-REFER TO COMMITTEE.

The majority of the Committee felt this bill has merit and is worth a closer look. Vote 10-4. Rep. Patricia R. Dwyer for Judiciary.

**HB 270-FN**, relative to excavating and dredging permits issued by the wetlands board. OUGHT TO PASS WITH AMENDMENT.

This bill makes minor changes in the procedure for filing applications for dredge-and-fill permits, and provides for notification of abutters by certified mail. The bill authorizes town clerks to increase the administrative fee from \$2 to \$10, plus actual postage costs. The bill also changes certain definitions to be consistent with the zoning and planning laws; and the bill changes the references to terms within the chapter. Vote 12-2. Rep. Carol M. Stamatakis for Resources, Recreation and Development.

### Amendment

Amend the title of the bill by replacing it with the following:

### AN ACT

relative to filling and dredging in wetlands.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph: Definition Added. Amend RSA 482-A:2 by inserting after paragraph II the following new paragraph:

II-a. "Local governing body" means "local governing body" as defined in RSA 672:6.

2 "Local Legislative Body" Redefined. RSA 482-A:2, III is repealed and reenacted to read as follows:

III. "Local legislative body" means "local legislative body" as defined in RSA 672:8.

3 Fee Increased Along with Additional Requirements for Filing Permits. Amend RSA 482-A:3, I to read as follows:

1. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the wetlands board. The permit application *together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map*, shall be [sent] *submitted to the town or city clerk*, [to the wetlands board and shall be] accompanied by a filing fee *in the form of a check made out by the applicant to the New Hampshire wetlands board*. The permit application fee shall be \$50 for minimum impact projects. Fees for minor and major projects shall be assessed based on the area of dredge or fill proposed and the number of boat slips requested. The rates shall be \$100 per boat slip and \$0.025 per square foot. [At the time of filing with the wetlands board said person shall also file copies of the permit application, with a detailed plan, including a map showing the exact location of the proposed project with the town or city clerk] *At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the wetlands board, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the wetlands board.* The town or city clerk shall *then* immediately send a copy of the permit application, *plan and map* to the local [legislative] *governing* body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed [\$2] *\$10 plus the cost of postage by certified mail*. [The copies of the permit application] *One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the wetlands board, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.*

4 Reference Changed. Amend RSA 482-A:8 to read as follows:

482-A:8 Hearing. The board shall hold a public hearing on proposals under RSA 482-A:3 in accordance with rules adopted by the board, within 60 days of the receipt of said notice, and shall notify by mail the person intending to do such excavating, removing, filling, dredging or altering, the local [legislative] *governing* body of the municipality involved, the planning board, if any, the municipal conservation commission, if any, and the members of the board. The requirement of public hearing in this section may not apply to such minor projects and to such minor improvements of the shoreline of those waters subject to the jurisdiction of this chapter as the board may by reasonable general rule provide, and as to such projects initial review authority may be delegated to a subcommittee or the staff of the board.

5 References Changed. Amend RSA 482-A:10, IV to read as follows:

IV. If a permit is granted with respect to any activity proposed to be undertaken in or adjacent to a prime wetland as mapped, designated and filed pursuant to RSA 482-A:15, the conservation commission or [municipal executive] *local governing* body may appeal said decision to the superior court in the manner established in paragraph I of this section. The filing of a motion for rehearing with the board pursuant to RSA [31:74] *677:2* shall automatically stay the effectiveness of the board's decision relat-

ing to said prime wetland. Said stay shall remain in force until a decision on the motion for rehearing has been issued by the board.

6 Reference Changed. Amend RSA 482-A:11, V to read as follows:

V. The board shall not grant a permit with respect to any activity proposed to be undertaken in or adjacent to an area mapped, designated and filed as a prime wetland pursuant to RSA 482-A:15 unless the board first notifies the local [legislative] *governing* body, the planning board, if any, and the conservation commission, if any, in the municipality within which the wetlands lie, either in whole or in part, of its decision. Any such permit shall not be issued unless the board is able, specifically, to find on the basis of clear and convincing evidence in the record of the proceedings, and after public hearing, that the proposed activity, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1. This paragraph shall not be construed so as to relieve the board of its statutory obligations under this chapter to protect wetlands not so mapped and designated.

7 Reference Changed. Amend RSA 482-A:12 to read as follows:

482-A:12 Posting of Permits and Reports of Violations. Project approval by the board shall be in the form of a permit, a copy of which the applicant shall post in a secured manner in a prominent place at the site of the approved project. The board shall mail a copy of such permit to the local [legislative] *governing* body of the municipality where the project is located. Any person proceeding without a posted permit shall be in violation of this chapter. All state, county and local law enforcement officers are directed to be watchful for violations of the provisions of this chapter and to report all suspected violations to the board.

8 Reference Changed. Amend RSA 482-A:15, I to read as follows:

I. Any municipality, by its conservation commission, or, in the absence of a conservation commission, the planning board, or, in the absence of a planning board, the local [legislative] *governing* body, may undertake to designate, map and document prime wetlands lying within its boundaries, or if such areas lie only partly within its boundaries, then that portion lying within its boundaries. For the purposes of this chapter, "prime wetlands" shall mean any areas falling within the jurisdictional definitions of RSA 482-A:3 and 482-A:4 that possess one or more of the values set forth in RSA 482-A:1 and that, because of their size, unspoiled character, fragile condition or other relevant factors, make them of substantial significance. Such maps or designations, or both, shall be in such form and to such scale, and shall be based upon such criteria, as are established by the board through rules adopted pursuant to RSA 482-A:11.

9 Reference Changed; Newspaper of State Circulation Required. Amend RSA 482-A:17 to read as follows:

482-A:17 Grant of Right. The governor and council, upon petition and only upon the recommendation of the wetlands board, may, for just consideration, grant to an owner of shoreline on public waters the right to place fill in the bed of such pond before his shoreline. Every petition to place fill in the bed of public waters shall be filed with the wetlands board. The board, after 30 days' notice to abutters, to the local [legislative] *governing* body of the municipality in which the property is situated, and to the division of public health services of the department of health and human services, shall hold a public hearing at which a majority of the members of the wetlands board shall be present. Notice of the hearing shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one *newspaper of*



*general circulation throughout the state and another* newspaper of general circulation in the municipality, and notice posted in 2 public places in the municipality, and upon appropriate investigation shall make its recommendations to the governor and council with regard to such petition. If the board recommends that the petition be granted, in whole or in part, such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area to be filled by the petitioner. The grant of the governor and council shall be evidenced by an instrument in writing, executed by the governor and council, attested by the secretary of state, and recorded in the county where the right is to be exercised. Land created by fill in accordance with the grant of the governor and council shall belong to the owner of the natural shoreline as if it were formed by natural accretion. The owner of a shoreline on a public-owned water body may petition the wetlands board for the right to place fill below the artificially-created high water level of a public-owned water body to the extent that the flowage rights owned by the state allow.

10 Reference Changed. Amend RSA 482-A:22 to read as follows:

482-A:22 Grant of Right. The governor and council, upon petition and upon the recommendation of the wetlands board, may, for just consideration, grant to an owner of a shoreline on public waters the right to excavate, remove, or dredge any bank, flat, marsh, swamp or lake bed before his shoreline. Every petition to excavate or dredge said areas shall be filed with the wetlands board. The board, after 30 days' notice to abutters, the local [legislative] *governing* body of the municipality in which the property is situate, and the division of public health services of the department of health and human services shall hold a public hearing at which a majority of the members of the wetlands board shall be present. Notice of the hearing shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipality. The notice shall also be posted in 2 public places in the municipality. Upon appropriate investigation the board shall make its recommendations to the governor and council with regard to such petition. If the board recommends that the petition be granted, in whole or in part, such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area to be excavated or dredged by the petitioner.

11 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill increases the administrative fee for excavating and dredging permits which may be required by a town or city clerk from \$2 to \$10 plus actual expenses. It specifies additional requirements for submitting permits which include the submission of a detailed plan and map in triplicate and provision of all postal receipts to the town or city clerk to verify that abutters have been notified of an individual's intention to excavate, remove, fill or dredge an area.

This bill also defines local governing body and redefines local legislative body and changes the references within the chapter to the terms.

**HB 438**, establishing a state policy on aquifers. **INEXPEDIENT TO LEGISLATE.**

After hearing testimony, the Committee decided this legislation is, at this time, unnecessary. Furthermore, the sponsor was uncertain as to the need for such a policy. Vote 14-0. Rep. Janet M. Conroy for Resources, Recreation and Development.



**HB 496-FN**, relative to administrative fines for marine pollution. OUGHT TO PASS.

This bill would authorize the Department of Environmental Services to impose fines of up to \$2000 for violations of the statutes governing marine toilets and disposal of sewage from boats. It is hoped the fine increase will impress boat owners so they comply with the law. It also will be suggested to Safety Services to include the increased fine in its brochure. Vote 14-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

**HB 565-FN**, relative to marine oil spill response. OUGHT TO PASS WITH AMENDMENT.

The bill clarifies liability provisions in New Hampshire law for persons and organizations that assist in the cleanup of catastrophic spills occurring in marine and tidal waters. The bill also closes an existing loophole whereby the oil spiller conceivably could be removed from liability if he assists in the clean-up. The office of the Attorney General and the Department of Environmental Services each support the bill. The bill also incorporates HB 641-FN, which was a request of the Department of Environmental Services. That bill makes housekeeping amendments to RSAs 146-A and 146-C, which are the laws addressing oil spillage and leaking underground-storage tanks. Vote 14-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to marine oil spill response, oil spillage  
in surface waters or groundwaters and  
underground storage tanks.

Amend the bill by replacing all after the enacting clause with the following:

1 Discharge Added. Amend RSA 146-A:1 to read as follows:

146-A:1 Declaration of Purpose. The purpose of this chapter is to cope with the problem of pollution from the spillage *or discharge* of oil, recognizing the damage resulting to vegetation, marine, animal and bird life from [oil spillage] *such pollution*. [The general court finds that pollution of domestic water supplies by leaking underground storage tanks has become a serious threat to the health of those persons who rely on such water supplies.] It is the intent of this chapter to provide procedures that will expedite the cleanup of oil spillage, mitigate the adverse effects of [leaking underground storage tanks] *oil discharges*, [to] encourage preventive measures, *and* provide financial assistance to victims of such [leaks] *discharges* and to encourage private organizations to assist in these efforts.

2 New Paragraphs; Definitions Added. Amend RSA 146-A:2 by inserting after paragraph I, the following new paragraphs:

I-a. "Federal On-Scene Coordinator" means the federal official predesignated by the U.S. Environmental Protection Agency or the U.S. Coast Guard to coordinate and direct federal responses under subpart D, or the official designated by the lead agency to coordinate and direct removal under subpart E, of the National Contingency Plan;

I-b. "National Contingency Plan" means the National Contingency Plan prepared and published under section 311(d) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)), as amended by the Oil Pollution Act of 1990, Pub. L. No. 101-380, 104 Stat. 484 (1990);

3 Definition Clarified. Amend RSA 146-A:2, III to read as follows:

III. "Oil" means petroleum products and their by-products *of anykind, and in any form* including, but not limited to, petroleum, fuel, sludge, crude, *oil refuse or oil mixed with wastes* and all other liquid hydrocarbons regardless of specific gravity[,] *and which are used as motor fuel, lubricating oil, or any oil used for heating or processing.* [Notwithstanding the above,] The term "oil" [does] *shall* not include natural gas, liquified petroleum gas or synthetic natural gas regardless of derivation or source;

4 New Paragraphs; Definitions Added. Amend RSA 146-A:2, by inserting after paragraph I the following new paragraphs:

I-a. "Discharge" or "Spillage" means the release or addition of any oil to land, groundwater or surface water.

I-b. "Groundwater" means subsurface water that occurs beneath the water table in soils and geologic formations.

5 Definition Clarified. Amend RSA 146-A:2, VI to read as follows:

VI. "Person" shall mean individual, partnership, joint venture, corporation, *as-sociation* or any group of the foregoing [organized or united for a business purpose] or the United States of America, any agency thereof and any other legal entity;

6 New Paragraphs; Definitions Added. Amend RSA 146-A:2 by inserting after paragraph VI the following new paragraphs:

VI-a. "Removal costs" means the costs of containment, removal, cleanup, restoration, and remedial or corrective action or measures that are incurred after a spillage or discharge of oil has occurred or, in any case in which there is a threat of a spillage or discharge of oil, the costs to prevent, minimize or mitigate oil pollution from such an incident.

VI-b. "Surface water" means streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, watercourses, and other bodies of water, natural or artificial.

7 Water Classification Added. Amend RSA 146-A:3 to read as follows:

146-A:3 Discharge of Oil. The discharge or spillage of oil into the [public] surface [waters] *water* [and] *or* [groundwaters] *groundwater* of this state, or in a land area where the oil will ultimately seep into [public water] *surface water or groundwater* is prohibited. Nothing in this chapter, however, shall prohibit the application of mosquito larvae control compounds under permits issued by the pesticide control board pursuant to RSA 430.

8 Operator Deleted. Amend the introductory paragraph of RSA 146-A:3-a, I to read as follows:

I. Any [operator or other] person who, without regard to fault, directly or indirectly causes or suffers the discharge of oil into or onto any surface water or groundwater of this state, or in a land area where oil will ultimately seep into any surface water or groundwater of the state in violation of this chapter, or rules adopted under this chapter, shall be strictly liable for costs directly or indirectly resulting from the violation relating to:

9 Reference to Public Deleted; Containment Added. Amend RSA 146-A:4 to read as follows:

146-A:4 Division of Water Supply and Pollution Control.

I. Whenever an oil [or petroleum product or by-product] discharge or spillage occurs[, hereinafter referred to as "oil discharge,"] which may pollute or which has polluted the [public waters] *surface water or groundwater* of this state, the division of

water supply and pollution control shall be notified immediately and shall assume primary jurisdiction of the cleanup operation. In the interim period before the division of water supply and pollution control has had an opportunity to assume jurisdiction, the person or persons strictly liable for an oil discharge shall undertake immediate measures to minimize the extent of pollution and damage which said discharge would otherwise cause. Any unexplained oil discharge shall be removed by or under the direction of the division of water supply and pollution control.

II. Any person strictly liable for an oil discharge [in the manner prohibited by RSA 146-A:3] shall immediately undertake to *contain or* remove such discharge to the division's satisfaction.

III. Notwithstanding paragraph II, the division of water supply and pollution control may undertake the *containment or* removal of such discharge and may retain agents and contractors for such purposes who shall operate under the direction of the division of water supply and pollution control.

10 New Paragraph; Duty to Report. Amend RSA 146-A:5 to read as follows:

146-A:5 Duty to Report.

I. Whoever is [in charge] *responsible for the operation* of any oil facility [or], carrier, *or vessel* that discharges oil in violation of this chapter shall immediately notify the division of water supply and pollution control or its designee. Any person who fails to give such notice shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Each day of a continuing violation shall constitute a separate offense.

*II. Any person who becomes aware of an oil discharge in violation of this chapter shall immediately notify the division of water supply and pollution control.*

11 Private Participation. RSA 146-A:7 is repealed and reenacted to read as follows:

146-A:7 Private Participation.

I. Notwithstanding any other provision of law or rule to the contrary, no oil spill cleanup organization or other person acting to contain, remove, clean up, restore or take other remedial or corrective action or measures with regard to the spillage, or discharge of oil, or threatened spillage or discharge of oil, shall be liable for removal costs, penalties, fines or damages of any kind, including but not limited to, natural resources damages or civil damages to government or private parties, unless it is determined that their acts or omissions amounted to gross negligence or willful misconduct, provided that:

(a) The oil spill cleanup organization or other person was rendering care, assistance or advice, consistent with the National Contingency Plan or as otherwise directed by the Federal On-Scene Coordinator; or

(b) The oil spill cleanup organization or other person was acting upon the request of the division of water supply and pollution control, or its designee, and pursuant to the division's response procedures.

II. The immunity provided by this section shall not apply to any person who, without regard to fault, directly or indirectly caused or suffered the spillage, or discharge of oil or threatened spillage or discharge of oil at issue, which required the initial containment, removal, cleanup, restoration or other remedial or corrective action or measures, and provided that any such person shall be strictly liable for any removal costs, penalties, fines and damages of any kind, that another person is relieved of responsibility for under paragraph I.

12 Recovery by State. Amend RSA 146-A:9 to read as follows:



146-A:9 Recovery by State. The attorney general shall institute such legal *or equitable* action as he deems necessary to recover [all] *or obtain judgment for the* costs of containment, cleanup, [or] removal, [incurred by the state] *corrective measures or civil penalties. This action may be brought in conjunction with an action for injunctive relief or in a separate action in superior court.* In connection with an action brought under this section, the attorney general may obtain a prejudgment attachment [in accordance with RSA 511-A to secure a judgment which may be recovered].

13 Reference Changed to Groundwater. Amend RSA 146-A:10 to read as follows:

146-A:10 Tort Liability to Third Persons. Any person who negligently or intentionally discharges or spills oil into or on the waters of any lake, pond, river, stream, or into tidal waters or into the [groundwaters] *groundwater* of the state which causes damage to the property of another shall be liable in tort to the person whose property is so damaged in double the amount of the damages sustained by him.

14 Specific Personnel References Deleted. Amend RSA 146-A:11 to read as follows:

146-A:11 Personnel. The division of water supply and pollution control shall establish and maintain at ports within the state, and other places as it shall determine, such employees and equipment as in its judgment may be necessary to carry out RSA 146-A. [The division of water supply and pollution control may employ an assistant chief engineer administrator, a civil engineer IV, 3 environmentalists III, a water pollution biologist and an account stenographer II.] Inspection and enforcement employees of the division of water supply and pollution control in their line of duty pursuant to RSA 146-A shall have the powers of a constable under RSA 104:9.

15 Legislative Determination Added. References Changed to Water and Groundwater. Amend RSA 146-A:11-a, I to read as follows:

I. There is hereby established the New Hampshire oil pollution control fund. This nonlapsing, revolving fund shall, at a minimum, pay the salaries and expenses of the persons specified in RSA 146-A:11, except [the civil engineer IV and one environmentalist III] *as the legislature may otherwise determine*, as well as the costs to implement the provisions of RSA 146-A which include but are not limited to the salaries and expenses of additional personnel to the extent that such salaries and expenses are incurred in implementing the provisions of this chapter, and the other costs of *containment or* removal or corrective measures deemed necessary by the division of water supply and pollution control as a result of an actual or potential oil discharge into or onto the surface [waters] *water* or [groundwaters] *groundwater* of the state. Moneys from the fund shall be used to mitigate the adverse effects of [leaking underground storage tanks] *oil discharges* including, but not limited to, provision of emergency water supplies to persons affected by such pollution, and, where necessary as determined by the department of environmental services, the establishment of an acceptable source of potable water to injured third parties. Not more than 10 percent of the moneys in the fund shall be allocated annually for research programs dedicated to the development and improvement of preventive and cleanup measures concerning such oil discharges. In the event of an oil discharge, the division of water supply and pollution control may expend, with the approval of governor and council, such additional sums as are necessary to clean up the discharge except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund. Income derived from the oil pollution control fund shall only be used for those administrative costs needed to implement RSA 146-A and any other costs cited in this section.



16 Discharge Added. Amend RSA 146-A:11-a, III(d) to read as follows:

(d) Cleanup of pollution caused by [leaking underground storage tanks; or] *spillage or discharge of oil*.

17 Operator Deleted. Amend RSA 146-A:11-a, VI to read as follows:

VI. All funds paid to the state to reimburse costs paid out of the oil pollution control fund by any person [or operator] strictly liable to the state under RSA 146-A:3-a and 146-C:11 shall be placed in the oil pollution control fund.

18 Reference Changed to Water and Groundwater. Amend RSA 146-A:11-c, III to read as follows:

III. Methods for the prevention of oil discharges into or onto the surface [waters] *water* or [groundwaters] *groundwater* of the state, including rules for expenditures on research programs under RSA 146-A:11-a, I.

19 Containment Added. Amend RSA 146-A:11-c, V to read as follows:

V. Procedures and equipment to be used in the removal *or containment* of oil under RSA 146-A:4.

20 Reference Corrected; Governor's Emergency Powers. Amend RSA 146-A:12, IV to read as follows:

IV. The provisions of RSA [107] *107-C* as they shall apply to [eminent domain and] *the taking of private property*, compensation *and use*, mutual aid, immunity, aid in emergency, [right-of-way,] enforcement and compensation shall apply to disasters or catastrophes proclaimed by the governor under this chapter.

21 Penalty; Mandatory Injunction, References Changed to Water and Groundwater. Amend RSA 146-A:14, I and II to read as follows:

I. Any person who wilfully discharges or spills oil into or onto the [public] surface [waters and] *water or* [groundwaters] *groundwater* of the state or in a land area where the oil will ultimately seep into [public] *such* [water] *waters* shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person. Each day of a continuing violation shall constitute a separate offense.

II. Any person who discharges or spills oil into or onto the [public] surface [waters and] *water or* [groundwaters] *groundwater* of the state or in a land area where the oil will ultimately seep into [public] *such* [water] *waters* shall be subject to a civil penalty not to exceed \$10,000 for each violation. *Each day of a continuing violation shall count as a separate violation. The attorney general may bring an action for injunctive relief, including a mandatory injunction.*

22 New Sections; Orders; Injunctions; Failure to Comply. Amend RSA 146-A by inserting after section 15 the following new sections:

146-A:16 Orders; Injunctions.

I. The division is authorized to issue an administrative order directing any person to cease activity violating this chapter, to take action necessary to comply with this chapter, or to institute corrective or remedial measures in response to the spillage or discharge of oil.

II. Notwithstanding any other provision of this chapter, the division, upon receipt of information that the spillage of oil may present an imminent and substantial hazard to human health or the environment, may take the following action:

(a) Issue a cease and desist order against any person responsible for the spillage or discharge of oil;

(b) Order the oil facility owner or operator, or any other person responsible for the spillage or discharge of oil to take action reasonably required to contain or remove the spillage; and

(c) Request the attorney general to bring an action for injunctive relief, including a mandatory injunction.

III. Appeal of an order issued under this section shall be governed by RSA 21-O:7. IV. Orders of the division issued upon a finding of an imminent and substantial hazard may be appealed, but shall be immediately effective. The effective date of any other order which is appealed shall be the date of the council's affirmance of the order. Appeal of the council's affirmance shall not stay or suspend the effectiveness of the order unless the supreme court grants a stay of the order. The attorney general may bring an action for injunctive relief, including a mandatory injunction, to obtain compliance with or enforcement of the order.

146-A:17 Willful Failure to Comply. Any person who is determined to be strictly liable for discharge or spillage of oil and who wilfully fails to comply with a division order requiring investigation, containment, cleanup, removal, remedial measures, or corrective measures, shall be liable to the state in double the amount of cost recoverable funds expended by the state in undertaking investigative, remedial, or corrective action.

23 New Paragraph; Definition Added. Amend RSA 146-C:1 by inserting after paragraph I the following new paragraph:

I-a. "Council" means the water supply and pollution control council established under RSA 21-O:7.

24 Reference Changed to Groundwater and Water. Amend RSA 146-C:1, II to read as follows:

II. "Discharge" means the release or addition of any oil or hazardous substance to land, [groundwaters] *groundwater* or surface [waters] *water*.

25 Reference to Water Changed to Groundwater or Surface Water. Amend RSA 146-C:1, VI to read as follows:

VI. "Failure" means a condition which may or does allow the uncontrolled passage of oil or a hazardous substance into or out of a facility, and includes, but is not limited to, a discharge to the [waters] *groundwater or surface water* of the state without a permit issued pursuant to RSA 146-C:4.

26 Definition of Facility Clarified. Amend RSA 146-C:1, V, to read as follows:

V. "Facility" means [a system of] *an assemblage of* tanks, pipes, pumps, vaults, fixed containers, and appurtenant structures, singly or in any combination, which are used or designed to be used for the storage, transmission, or dispensing of oil or a hazardous substance, and which are within the size, capacity, and other specifications prescribed by rules adopted by the division pursuant to RSA 146-C:9, VI.

27 Groundwater Redefined. Amend RSA 146-C:1, VII to read as follows:

VII. "[Groundwaters] *Groundwater*" means [all areas below the top of the water table, including aquifers, wells, and other sources of groundwater] *subsurface water that occurs beneath the water table in soils and geologic formations*.

28 Reference to Non-Commercial Deleted. Amend RSA 146-C:1, XI to read as follows:

XI. "Nonresidential", when referring to a facility, means a facility which serves any commercial, industrial, institutional, municipal, public, or other building, including, but not limited to, service stations, hotels and motels, hospitals, nursing homes, and correctional institutions, but not including [non-commercial] residential buildings.

29 Reference Added. Amend RSA 146-C:1, XII to read as follows:

XII. "Oil" means [petroleum products and their by-products of any kind and in any form, including, but not limited to, petroleum, fuel, sludge, crude, and all other liquid hydrocarbons regardless of specific gravity and which are used as motor fuel, lubricating oil, or any oil used for heating or processing. The term "oil" shall not include natural gas, liquified petroleum gas, or synthetic natural gas, regardless of derivation or source] *"oil" as defined in RSA 146-A:2.*

30 Date Deleted. Amend RSA 146-C:1, XIV, to read as follows:

XIV. "Owner" means the person in possession of or having legal ownership of a facility. In addition, for facilities no longer in use [on November 8, 1984], "owner" includes the person having had legal ownership of such facility immediately prior to discontinuance of its use.

31 Responsible Person Added. Amend RSA 146-C:2, to read as follows:

146-C:2 Discharges Prohibited; References to Water and Groundwater. No owner or operator *or other person responsible for the operation of a facility* shall discharge or dispose of any oil or hazardous substance as defined in this chapter from any facility into or onto *any* land, [groundwaters] *groundwater*, or surface [waters] *water* of the state.

32 Record Maintenance. Amend RSA 146-C:3, IV to read as follows:

IV. The registration required under this section shall be [renewed every 5 years] *maintained for the life of the facility*. A registration need not be [renewed] *maintained* if the division has received written notice that the registered underground storage facility has been closed by approved procedures according to rules adopted pursuant to RSA 146-C:9, II(i). Any notice of closure shall include the date of such closure.

33 Grounds for Revocation. Amend RSA 146-C:4, I to read as follows:

I. No person shall own or operate an underground storage facility in this state without a permit issued by the division. [The division may revoke or modify any permit following a hearing, upon a finding that just cause exists for such action.] *The permit to operate may be revoked for just cause, including, but not limited to, the operation or ownership of an underground storage facility in violation of the division's rules. To revoke a permit, the division shall issue a show cause order to an owner or operator in violation of this chapter, or rules adopted under this chapter, but said show cause order shall not take effect until the owner or operator has had an opportunity to be heard by the council, provided such request is made within 20 days of the issuance of the show cause order. Appeal of an order revoking a permit to operate shall be governed by RSA 21-O:7, IV. Any appeal brought pursuant to RSA 541 shall not stay an order by the council which revokes a permit.*

34 Investigation; Remedial Measure References Added. Amend RSA 146-C:5, II to read as follows:

II. For the purpose of developing or assisting in the development of any rule, conducting any study *or investigation*, instituting any corrective *or remedial* measures, or enforcing the provisions of this chapter, any owner or operator of a facility subject to regulation under this chapter shall, upon request of any employee or authorized representative of the division, furnish information relating to such facility or its contents, conduct monitoring or testing, permit such employee or authorized representative at all reasonable times to have access to and to copy all records relating to such facility, and permit such employee or authorized representative to have access to the facility for corrective *or remedial* measures.



35 Investigation; Remedial Measure Reference Added. Amend the introductory paragraph of RSA 146-C:5, III to read as follows:

III. For the purpose of developing or assisting in the development of any rule, conducting any study *or investigation*, instituting corrective *or remedial* measures, or enforcing the provisions of this chapter, division employees or authorized representatives may, upon the presentation of appropriate credentials:

36 Reference to Remedial Measures Added. Amend RSA 146-C:5, III(d), to read as follows:

(d) Institute corrective *or remedial* measures.

37 Reference to Chapter Added. Amend RSA 146-C:6 to read as follows:

146-C:6 Transfer of Ownership. Prior to the transfer of ownership of an underground storage facility, the transferor shall notify the transferee of the transferor's compliance with the rules of the division [relative to tank testing and replacement] *under this chapter*. When a transfer of ownership takes place, the new owner shall notify the division of the transfer and shall assume the permit issued to the previous owner.

38 Reference to Construction Added. Amend RSA 146-C:7, II to read as follows:

II. An owner shall not cause or allow any [act] *construction or other activity* which is not in accordance with the approved plans and all terms and conditions of the division's approval of those plans.

39 Investigations Added. Amend RSA 146-C:9, IV to read as follows:

IV. Procedures for conducting inspections *or investigations*, as authorized by RSA 146-C:5, II.

40 New Paragraphs; Procedures Added. Amend RSA 146-C:9 by inserting after paragraph IX the following new paragraphs:

X. Procedures and criteria for mitigation and prevention of damage due to a discharge from an underground storage facility.

XI. Procedures and criteria for responding to and reporting a discharge from an underground storage facility.

XII. Procedures for conducting tank testing, including qualifications of persons conducting tank testing.

41 Reference to Liable Person Added. Amend RSA 146-C:9-a, I to read as follows:

I. The division is authorized to issue an administrative order directing any owner or operator *or any other person who is strictly liable* to cease any activity violating this chapter, to take action necessary to comply with this chapter, [or] *and* to institute corrective *and remedial* measures, [as defined under RSA 146-A:11-a, III, in response to a discharge or disposal] *which shall include the following*:

(a) *Providing an interim water supply and establishing a permanent alternative water supply system to mitigate damage to the soil, groundwater or surface water.*

(b) *Removal and abatement of contamination resulting from a discharge from an underground storage facility.*

(c) *Reimbursement to the state for all costs incurred by the state in responding to a discharge of oil or a hazardous substance from a leaking underground storage facility.*

42 Reference to Liable Person Added. Amend RSA 146-C:9-a, II(a) to read as follows:

(a) Issuing an order directing the facility owner or operator *or any person who is strictly liable under RSA 146-C:II* to take necessary steps to eliminate the hazard.



The division may order the permanent or temporary cessation of operations at a facility. Orders of the division issued under this section shall be effective immediately. Any person to whom an order is directed shall immediately comply, but may appeal the order in accordance with paragraph III of this section.

43 Reference to Hazardous Waste Cleanup Fund Added. Amend RSA 146-C:10, II to read as follows:

II. All moneys collected under this section *which pertain to the discharge of oil* shall be paid into the oil pollution control fund established under RSA 146-A:11-a. *All moneys collected under this section which pertain to discharge of a hazardous substance shall be paid to the hazardous waste cleanup fund established under RSA 147-B:3.*

44 Strict Liability. Amend RSA 146-C:11 to read as follows:

146-C:11 Liability for Cleanup Costs; Municipal Regulations.

I. Any [owner or operator or other] person who, *without regard to fault*, directly or indirectly causes or suffers the discharge or disposal of oil or a hazardous substance into or onto any surface *water* or groundwater of this state, or in a land area where it has seeped or may or will ultimately seep into any surface *water* or groundwater of the state in violation of this chapter, or rules adopted under this chapter, shall be strictly liable for costs directly or indirectly resulting from the violation relating to:

(a) Containment of the discharged oil;

(b) Cleanup and restoration of the site and surrounding environment, and corrective *or remedial* measures as defined under RSA 146-A:11-a, III, (a) and (b); and

(c) Removal of the oil.

45 Damages. Amend RSA 146-C by inserting after section 12 the following new section:

146-C:13 Penalty; Persons Strictly Liable. Any person who is found to be strictly liable for a discharge or spillage of oil, and who wilfully fails to comply with a division order requiring investigation, containment, cleanup, removal, remedial measures, or corrective measures, shall be liable to the state in double the amount of cost recoverable funds expended by the state in undertaking investigative, remedial, or corrective action at the site.

46 Repeals. The following are hereby repealed:

I. RSA 146-A:8, relative to reports to be submitted to the attorney general.

II. RSA 146-A:11-a, V, relative to appeals to the council.

III. RSA 146-A:11-c, XI, relative to temporary rulemaking authority.

47 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill clarifies the definitions for oil and groundwater and expands the authority of the division of water supply and pollution control to clean up or mitigate any type of oil discharge.

The bill requires any person who is aware of an illegal oil discharge to notify the division.

The bill clarifies certain enforcement provisions and authorizes the division of water supply and pollution control to issue administrative orders to cease activity, order any person responsible for spillage to take action to remove or contain the spill, or request the attorney general to bring an action for injunctive relief, including a mandatory injunction.

In addition, this bill also clarifies that any person responsible for an oil spill is strictly liable for costs of removal, containment, cleanup, and restoration.

The bill also makes several technical changes to RSA 146-A and 146-C to update or clarify certain RSA provisions.

**HB 641-FN**, relative to oil spillage in surface waters or ground waters and relative to underground storage tanks. INEXPEDIENT TO LEGISLATE.

This bill was incorporated into HB 565-FN. Each bill addresses many of the same issues and same RSA sections. The Committee worked with the Department of Environmental Services and the Attorney General to dovetail the two bills, which was agreeable to the sponsors. Vote 14-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

**HB 716-FN**, relative to site assessment studies of developed properties with sewage disposal systems. RE-REFER TO COMMITTEE.

Recent administrative rules have created some severe limitations to the use of older lots-of-record throughout the state. This bill is an attempt to provide buyers of such lots with a level of awareness as to limitations before such buyers' dream houses become nightmares of restriction and litigation. However, there are widely divergent opinions as to the most efficient solution to the problem. Re-referral will allow the agencies, the engineers, the real estate interests and the general public an opportunity to develop the most efficient resolution to this issue. Vote 13-0. Rep. Donald L. Roulston for Resources, Recreation and Development.

**HB 599-FN**, relative to the storage and disposal of low-level radioactive waste. RE-REFER TO COMMITTEE.

This bill is a response to potential changes in federal standards regarding the management of low-level radioactive materials. The Committee would like to take more time to formulate an appropriate state response to this complex issue. Vote 10-1. Rep. Amanda Merrill for Science, Technology and Energy.

**HB 736-FN**, relative to energy facility siting, licensing and operation. OUGHT TO PASS WITH AMENDMENT.

This bill is a complete rewrite of RSA 162-F and RSA 162-H pertaining to energy-facility siting, licensing and operations. The two sections have been combined to create a new RSA 162-H. This is the product of a study committee established by Chapter 239, Laws of 1989. This new bill clarifies the types of facilities covered and provides the site-evaluation Committee with the opportunity to waive jurisdiction. It also increases the opportunity for public participation in the process and reduces the decision-making time for the Committee. Vote 12-0. Rep. Charles C. Vogler for Science, Technology and Energy.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Energy Facilities. RSA 162-H is repealed and reenacted to read as follows:

#### CHAPTER 162-H

#### ENERGY FACILITY EVALUATION, SITING, CONSTRUCTION AND OPERATION

162-H:1 Declaration of Purpose.

I. The legislature recognizes that the selection of sites for energy facilities will have a significant impact upon the welfare of the population, the economic growth of the state and the environment of the state. The legislature, accordingly, finds that the

public interest requires that it is essential to maintain a balance between the environment and the possible need for new energy facilities in New Hampshire; that undue delay in construction of any needed facilities be avoided; and that the state ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic and technical issues are resolved in an integrated fashion. The legislature, therefore, hereby establishes a procedure for the review, approval, monitoring and enforcement of compliance in the planning, siting, construction and operation of energy facilities. The legislature also recognizes that it has a broad responsibility to provide both economic and environmental protection for its coastal and estuarine waters and the adjoining land areas. The legislature therefore declares it to be its policy that any offshore facility, other than pipelines, shall be located so as to at least comply with the policies and guidelines of the Federal Environmental Protection Agency; and that this policy may be relaxed only if it is shown by clear and convincing evidence that there are compelling technological or economic reasons for doing so, that no feasible alternative exists, and that there will be no substantial environmental risk.

II. The legislature also finds that the present and predicted growth in electric power demands in the state of New Hampshire requires the development of a procedure for the selection and utilization of sites for generating facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites and the routing of associated transmission lines will have a significant impact upon the welfare of the population, the location and growth of industry, and the use of the natural resources of the state. The legislature, accordingly, finds that the public interest requires that it is essential to maintain a balance between the environment and the need for new power sources; that electric power supplies must be constructed on a timely basis; that in order to avoid undue delay in construction of needed facilities and to provide full and timely consideration of environmental consequences, all electric entities in the state should be required to engage in adequate long-range planning and provide full and complete disclosure to the public of such plans; that a certifying body be established for the preconstruction review of bulk power supply facilities; that the siting of bulk power plants and high voltage transmission lines should be treated as a significant aspect of land-use planning in which all environmental, economic and technical issues should be resolved in an integrated fashion, so as to assure the state an adequate and reliable supply of electric power in conformance with sound environmental utilization. The legislature, therefore, hereby establishes a procedure for the planning, siting, and construction of bulk power supply facilities.

#### 162-H:2 Definitions.

I. "Acceptance" means the date at which the committee finds that the application is complete and ready for consideration.

II. "Bulk power supply facilities" means:

(a) Electric generating station equipment and associated facilities designed for or capable of operation at any capacity of 30 megawatts or more, or electric generating station equipment and associated equipment which 2 or more petition categories as defined in RSA 162-H:2, XI request, or which the committee determines in accordance with RSA 162-H:1, should require a certificate.

(b) An electric transmission line of design rating of 100 kilovolts or more, associated with a generating facility outlined in subparagraph (a), over a route not already occupied by a transmission line or lines.

(c) An electric transmission line of a design rating in excess of 100 kilovolts that is in excess of 10 miles in length, over a route not already occupied by a transmission line, or an electric transmission line which 2 or more petition categories as defined in RSA 162-H:2, XI request, or which the committee determines in accordance with RSA 162-H:1, should require a certificate.

III. "Commencement of construction" means any clearing of the land, excavation or other substantial action that would adversely affect the natural environment of the site of the proposed facility, but does not include land surveying, optioning or acquiring land or rights in land, changes desirable for temporary use of the land for public recreational uses, or necessary borings to determine foundation conditions, or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental use and values.

IV. "Commission" means the New Hampshire public utilities commission.

V. "Committee" means the site evaluation committee established by this chapter.

VI. "Energy" means power, including mechanical power or useful heat, derived from any resource, including, but not limited to, oil, coal, and gas.

VII. "Energy facility" means any industrial structure, other than bulk power supply facilities, as defined in paragraph II, that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion and onshore and offshore loading and unloading facilities for energy sources. Energy facility shall also include energy transmission pipelines, storage tanks, or any other facility which 2 or more petition categories as defined in RSA 162-H:2, XI request and the committee agrees, or which the committee determines, in accordance with RSA 162-H:1, requires a certificate.

VIII. "Filing" means the date at which the application is first submitted to the committee.

IX. "Person" means any individual, group, firm, partnership, corporation, cooperative, municipality, political subdivision, government agency or other organization.

X. The words "public utility" or "utility" mean any electric utility engaged in the production, distribution, sale, delivery or furnishing of electricity, including municipalities, cooperatives, regulated electric companies, agencies or any combination thereof.

XI. "Petitioner" means a person filing a petition meeting any of the following conditions:

(a) A petition endorsed by 100 or more registered voters in the host community or host communities.

(b) A petition endorsed by 100 or more registered voters from abutting communities.

(c) A petition endorsed by the board of selectmen of the host community or two or more boards of selectmen of abutting communities.

(d) A petition filed by the potential applicant.



162-H:3 Site Evaluation Committee. The site evaluation committee shall consist of the commissioner of the department of environmental services, the director of the division of water supply and pollution control, the commissioner of the department of resources and economic development, the director of the division of public health services, the executive director of the fish and game department, the director of the office of state planning, the director of the division of water resources, the director of the division of parks and recreation, the director of forests and lands, the director of the division of air resources, the director of the governor's energy office, the commissioner of the department of transportation, and the commissioners and chief engineer of the public utilities commission. The commissioner of the department of environmental services shall be chairman of the committee, and the chairman of the public utilities commission shall be vice-chairman. Notwithstanding any other agency authority to the contrary, no member may delegate a voting right to others.

162-H:4 Powers of the Committee.

I. The committee shall:

(a) Issue any certificate under this chapter in the case of an energy facility, or forward its findings to the commission in the case of a bulk power supply facility.

(b) Determine the terms and conditions of any certificate or findings issued under this chapter, subject to RSA 162-H:10.

(c) Monitor the construction and operation of any energy facility granted a certificate under this chapter.

(d) Enforce the terms and conditions of any certificate issued under this chapter.

II. The committee shall hold hearings as required by this chapter and such additional hearings as it deems necessary and appropriate.

III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to such state agency or official represented on the committee as it deems appropriate, but, subject to RSA 162-H:10, it may not delegate authority to hold hearings, issue certificates, determine the terms and conditions of a certificate, or enforce a certificate. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.

IV. In cases where the committee determines that other existing statutes provide adequate protection of the objectives of RSA 162-H:1, the committee may, within 60 days of filing of the application, exempt the applicant from the approval and certificate provisions of this chapter. The committee shall adopt rules under RSA 541-A specifying the criteria under which an exemption may be granted.

162-H:5 Prohibitions and Restrictions.

I. No person shall commence to construct any bulk power facility within the state unless it has obtained a certificate of site and facility, with respect to those facilities, issued by the public utilities commission. Such facilities shall be constructed, operated and maintained in accordance with the terms of the certificate. Such certificates are required for sizeable additions to existing facilities as defined by the commission.

II. No person shall commence construction of an energy facility within the state or operate such a facility without a certificate of site and facility from the site evaluation committee. Such a certificate may not be transferred or assigned without the approval of the committee.

III. No certificate is required for facilities already under construction or in operation, but such certificates are required for sizeable changes or additions to such facilities, as defined by the committee or commission.

IV. The applications shall be governed by the applicable laws, rules and regulations of the agencies and shall be subject to the provisions of RSA 162-H in effect on the date of filing. Notwithstanding the foregoing, an applicant may request the site evaluation committee to assume jurisdiction and in the event that the site evaluation committee agrees to assert jurisdiction, the facility shall be subject to the provisions of this chapter.

162-H:6 Time Frames.

I. Upon the filing of an application, the committee shall immediately forward to each of the other state agencies having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, a copy of such parts of the application as are relevant to its jurisdiction. Upon the filing of the copy, each of the other state agencies shall immediately conduct a preliminary review as described in RSA 162-H:7, III.

II. Upon the filing of an application, the committee shall immediately conduct a preliminary review to ascertain if the application contains sufficient information to carry out the purposes of this chapter. The committee shall require as much information as it deems necessary to accompany the application.

III. The committee shall decide whether or not to accept the application within 60 days of filing.

IV. Within 30 days after acceptance of the application, the committee shall hold at least one public hearing in each county in which the proposed facility is to be located.

V. All participating state agencies shall report their progress to the committee within 5 months of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision.

VI. Any state agency having jurisdiction under RSA 162-H:7 shall make and submit to the committee a final decision on the parts of the application that relate to its jurisdiction, no later than 8 months after the application has been accepted.

VII. Within 9 months of the acceptance of an application, the committee shall either:

(a) Issue or deny a certificate for an energy facility, or

(b) Send its findings to the commission for a certificate for a bulk power facility. The commission shall either issue or deny that certificate within 10 months of the acceptance of the application.

162-H:7 Application for Certificate.

I. All applications for a certificate for a bulk power supply facility shall be filed with the commission in sufficient quantities for each reviewing agency. Such applications may be subject to reasonable modification during the period of review. Applications shall include completed application forms from each individual agency. As a prerequisite to filing, except for good cause shown, as determined by the committee, an electric utility shall comply with the provisions of RSA 162-H:17; and power plants and transmission line routes, except for good cause shown, as determined by

the committee, shall comply with the requirement that the site selected is from among those sites in the electric utility's 5 year inventory of sites approved by the committee and that it will utilize the general transmission line routes identified in its long range plans.

II. All applications for a certificate for an energy facility shall be filed with the chairman of the site evaluation committee. Applications shall include each individual agency's completed application forms.

III. Upon filing of an application, the committee shall immediately conduct a preliminary review to ascertain if the application contains sufficient information in accordance with this section. If the application does not contain such sufficient information, the committee shall, in writing, immediately notify the applicant of that fact and specify what information the applicant must supply.

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms. Upon the filing of an application, the committee shall immediately forward a copy to the state agencies having jurisdiction. Upon receipt of a copy, each agency shall immediately conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having jurisdiction, that agency shall, in writing, immediately notify the committee of that fact and specify what information the applicant must supply; thereupon the committee shall provide the applicant with a copy of such notification and specification. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the committee or by any of the state agencies having jurisdiction if the applicant is seasonably notified that it has not supplied sufficient information for any of the state agencies having jurisdiction in accordance with this paragraph.

V. Each application shall also:

(a) Describe in reasonable detail the type and size of each major part of the proposed facility.

(b) Identify both the preferred choice and any other choices for the site of each major part of the proposed facility.

(c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed; whether as preferred choice or as any other choice; for such part.

(d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

(f) Document that written notification of the proposed project has been given to the chairman of the board of selectmen, or mayor, which ever is applicable in each community in which the facility is proposed to be located.

(g) Provide such additional information as the committee may require to carry out the purposes of this chapter.

VI. The committee shall decide whether or not to accept the application within 60 days of filing. If the committee rejects the application, the applicant may choose to



file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

VII. Notwithstanding any other provision of law, the application shall be in lieu of separate applications that may be required by any other state agencies.

VIII. This chapter shall not preclude an agency from imposing its usual statutory fees.

**162-H:8 Disclosure of Ownership.**

I. Any application for a certificate shall be signed and sworn to by the person or executive officer of the association or corporation making such application and shall contain the following information:

(a) Full name and address of the person, association, or corporation.

(b) If an association, the names and residences of the members of the association.

(c) If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors, officers and stockholders.

(d) The location or locations where an applicant is to conduct its business.

(e) A statement of assets and liabilities of the applicant and other relevant financial information of such applicant.

II. The applicant shall immediately inform the committee of any substantive modification to its application.

**162-H:9 Counsel for the Public.**

I. Upon notification that an application for a certificate has been filed with the committee in accordance with RSA 162-H:7, the attorney general shall appoint an assistant attorney general as a counsel for the public. The counsel shall represent the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy. The counsel shall be accorded all the rights and privileges, and responsibilities of an attorney representing a party in formal action and shall serve until the certificate is issued or denied.

II. This section shall not be construed to prevent any person from being heard or represented by counsel; provided, however, the committee may compel consolidation of representation for such persons as have, in the committee's reasonable judgment, substantially identical interests.

**162-H:10 Public Hearing; Studies; Rules.**

I. Within 30 days after acceptance of an application for a certificate of site and facility, pursuant to RSA 162-H:7, the site evaluation committee and, if a bulk power supply facility application, the commission, shall hold at least one joint public hearing in each county in which the proposed facility is to be located and shall publish a public notice not less than 21 days before said hearing in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. The public hearings shall be joint hearings, with representatives of the other agencies that have jurisdiction over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. The hearings shall be for public information on the proposed facilities with the applicant presenting the information to the site evaluation committee and to the public. Notwithstanding any other provision of law, the hearing shall be a joint hearing with the other state agencies and shall be in lieu of all hearings otherwise required by any of the other state agencies; provided, however, if any of such other state agencies does



not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

II. Subsequent hearings shall be in the nature of adversary proceedings and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent session.

III. The site evaluation committee and, if a bulk power supply facility application, the commission, shall consider and weigh all evidence presented at public hearings and shall consider and weigh written information and reports submitted to it by members of the public before, during, and subsequent to public hearings. The committee and the commission shall grant free access to records and reports in its files to members of the public during normal working hours and shall permit copies of such records and reports to be made by interested members of the public at their expense.

IV. The site evaluation committee and, if a bulk power supply facility application, the commission, shall require from the applicant whatever information it deems necessary to assist in the conduct of the hearings, and any investigation or studies it may undertake, and in the determination of the terms and conditions of any certificate under consideration.

V. The site evaluation committee and, if a bulk power supply facility application, the commission, shall jointly conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant in such amount as may be approved by the committee in the case of an energy facility, or the committee and the commission in the case of a bulk power supply facility. The site evaluation committee, the commission, and counsel for the public, as provided for by RSA 162-H:9, are further authorized to assess the applicant for all travel and related expenses associated with the processing of an application under this chapter.

VI. The site evaluation committee and, if a bulk power supply facility application, the commission, shall jointly issue such rules, pursuant to RSA 541-A, after public notice and hearing, as may from time to time be required.

162-H:11 Judicial Review. Decisions made pursuant to this chapter by the site evaluation committee, or by any other state agency, shall be reviewable in accordance with RSA 541.

162-H:12 Enforcement.

I. Whenever the committee determines that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the person holding the certificate of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.

II. The committee may suspend a person's certificate if the committee determines that the person has made a material misrepresentation in the application or, in the supplemental or additional statements of fact or studies required of the applicant, or if

the committee determines that the person has violated the provisions of this chapter or any rule adopted under this chapter. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide an opportunity for a prompt hearing.

III. The committee may revoke any certificate that is suspended after the person holding the suspended certificate has been given at least 90 days written notice of the committee's consideration of revocation and of its reasons therefor and has been provided an opportunity for a full hearing.

162-H:13 Records. Complete verbatim records shall be kept by the committee of all hearings, and records of all other actions, proceedings and correspondence of the committee shall be maintained, all of which records shall be open to the public inspection as provided for under RSA 91-A.

162-H:14 Temporary Suspension of Deliberations.

I. If the site evaluation committee at any time during its deliberations relative to an application for a certificate deems it to be in the public interest, it may temporarily suspend its deliberations and time frame established under RSA 162-H:6.

II. The committee may temporarily suspend its deliberations and request the commission to exercise its duties under this chapter. After deliberations have been suspended and the commission finds that the requirements of this chapter have been met and so notifies the site evaluation committee, the committee shall resume its deliberations under this chapter.

162-H:15 Informational Meetings. Upon request of a community in which the proposed facility is to be located, or upon request of the committee, the applicant shall provide informational meetings to inform the public of the proposed project.

162-H:16 Findings.

I. The committee shall incorporate in any certificate or findings issued hereunder such terms and conditions as may be specified to the committee by any of the other state agencies having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the committee shall not issue any certificate under this chapter if any of the other state agencies deny authorization for the proposed activity over which it has jurisdiction. The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency. Notwithstanding any other provision of law, each of the other state agencies shall make and submit to the committee a final decision on the parts of the application that relate to its jurisdiction no later than 8 months after acceptance of the application. Notwithstanding any other provision of this section or this chapter, each of the other state agencies shall retain all of their powers and duties of enforcement.

II. Findings by the site evaluation committee shall be based on the record and shall be made by a majority vote of a full committee whether or not the full committee is present for voting. A majority vote of the site evaluation committee shall be conclusive on all questions of siting, land use, air and water quality.

III. The committee and, in the case of a bulk power certificate, the commission may consult with interested regional agencies and agencies of border states in the consideration of certificates.

IV. In the case of energy facilities, the site evaluation committee, after having considered available alternatives and fully reviewed the environmental impact of the site or route, and other relevant factors bearing on whether the objectives of this

chapter would be best served by the issuance of the certificate, must find that the site and facility:

(a) Applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

(b) Will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.

(c) Will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

(d) Operation of the facility is consistent with the state energy policy established in RSA 378:37.

V. In the case of bulk power supply facilities, the commission shall issue or deny a certificate of site and facility. The commission shall issue a certificate only after it has reasonable assurance that all applicable state standards and requirements shall be met by the applicant. The commission shall incorporate in its certificate such lawful terms as may be supplied to it by the site evaluation committee and those state agencies having permit or license granting responsibilities under state law. The commission shall be bound by the findings of the site evaluation committee under paragraph I. In its decision the commission must find the construction of the facility:

(a) Is required to meet the present and future need for electricity. A finding that the construction of the facility is required to meet the present and future need for electricity may be based upon a determination of need for capacity to generate electricity, need for a greater supply of electricity, or need for more economic, reliable, or otherwise improved sources of either capacity or energy. The commission shall consider economic factors and the current integrated least cost resource plans filed with the commission pursuant to RSA 378:38 when considering whether or not the facility will meet the present or future needs for electricity.

(b) Will not adversely affect system stability and reliability factors.

VI. A certificate of site and facility may contain such reasonable terms and conditions as it deems necessary and may provide for such reasonable monitoring procedures as may be necessary. Such certificates, when issued shall be final and subject only to judicial review.

VII. The committee may condition the certificate upon the results of required federal and state agency studies whose study period exceeds the application period.

162-H:17 Bulk Power Facility Plans. Each utility shall prepare annually its long-range plans for bulk power supply facilities pursuant to guidelines established by the public utilities commission. Such guidelines shall be approved by the site evaluation committee which may make such modifications as it may deem necessary within the purposes of this chapter. These plans may be part of a regional plan and shall:

I. Describe the general location, size and type of all bulk power supply facilities to be owned or operated by the utility and whose construction is projected to commence during the ensuing 10 years or longer, but not to exceed a total of 15 years, as the commission may determine to be necessary, together with an identification of all existing facilities to be removed from utility serviced through such period or upon completion of construction of the bulk power supply facilities.

II. Identify the location of tentative sites for the construction of future power plants as defined in RSA 162-H:2 including an inventory of sites for all plants on which construction may be commenced in the succeeding 5 years, and the general



location of the routes of transmission lines as defined in RSA 162-H:2 and indicate the relationship of the planned sites, routes, and facilities thereon to the environment, and describe generally how potential adverse effects will be lessened. Such sites shall be indicated in relation to the location of existing plants and tentative sites planned or announced by utilities within a 200 mile radius of the site.

III. Reflect and describe such utility's efforts to involve environmental protection and land-use planning agencies in their planning agencies and in their planning process so as to identify environmental problems at the earliest possible stage.

IV. Supply additional information as the site evaluation committee, upon the advice of interested state and federal agencies, may from time to time prescribe to carry out the purposes of this chapter.

V. Document the role of proposed facility construction and closings within the utility's current integrated least cost resource plan.

VI. Each utility shall give initial public notice of its plans referred to in paragraph I, by annually filing a copy of the plans, with projections of demand for electricity that the facilities would meet, with the public utilities commission and with such other affected state and local governmental authorities and citizens' environmental protection and resource planning groups requesting such plans.

162-H:18 Review; Hearing. Upon receipt of plans referred to in RSA 162-H:17, the public utilities commission shall notify the site evaluation committee which shall:

I. Review and comment on the long-range plans and make information contained therein readily available to the general public and interested state and local governmental entities.

II. Compile and publish a description of the proposed power plant sites and general locations of transmission line routes within the state as identified in the long-range plans, identifying the location of such sites and the possible year when construction is expected to commence, and to make such information readily available to the public, to newspapers regularly circulated within the area affected by the proposed site, and to interested state and local governmental entities. The duties imposed by this paragraph may be delegated to the public utilities commission, and all documents filed under this chapter shall be held in the offices of the public utilities commission.

162-H:19 Penalties.

I. The superior court in term time or in vacation, may enjoin any act in violation of this chapter.

II. Any construction or operation of bulk power supply or energy facilities in violation of this chapter, or in material violation of the terms of a certificate issued under this chapter, may result in an assessment by the superior court of civil damages not to exceed \$10,000 for each day in violation.

III. Whoever commits any willful violation of any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

162-H:20 Severability. If any provision of this chapter, or application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end, the provisions of this chapter are severable.

2 Repeal. RSA 162-F:1-13, relative to electric power plant, transmission siting and construction procedure, is repealed.

3 Effective Date. This act shall take effect January 1, 1992.



**REGULAR CALENDAR** (continued)

**HB 341-FN**, relative to foundation aid formula study committee. **OUGHT TO PASS WITH AMENDMENT.**

This bill creates a committee to establish the criteria for studying the effectiveness of the Augenblick Formula for Foundation Aid. This study is overdue and the Formula has shown some aberrations which in fairness need to be addressed. This bill also institutes a cap which will temporarily relieve the worst of those aberrations. Vote 18-0. Rep. Nils H. Larson, Jr. for Education.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to a foundation aid formula study committee  
and establishing a maximum equalization factor  
for the foundation aid formula.

Amend the bill by replacing section 3 with the following:

3 Report. The committee shall set the criteria of studying the effectiveness of the foundation aid formula contained in RSA 198:27-33 and may propose modifications to improve the existing formula. The committee shall submit a report by November 1, 1991, to the governor, the executive council, the president of the senate, the speaker of the house, and to the chairpersons of the education committees of the house and senate.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 New Paragraph; Maximum Equalization Factor Established. Amend RSA 198:29 by inserting after paragraph II the following new paragraph:

II-a. In no case shall a district's equalization factor, as determined in paragraph II, be greater than 9.

**AMENDED ANALYSIS**

This bill establishes a committee to study the effectiveness of the foundation aid formula and to propose modifications. The committee shall submit its report to the governor, the executive council, the speaker of the house, the president of the senate, and to the chairpersons of the education committees of the house and senate on or before November 1, 1991.

This bill also establishes a maximum value for the equalization factor in the foundation aid formula.

This bill is a request of the department of education.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 431-FN**, relative to exempting certain purchases for severely emotionally disturbed children from state purchasing requirements. **OUGHT TO PASS.**

The majority of the Committee agrees with the sponsors that, in the best interest of a limited number of severely emotionally disturbed children, it is occasionally necessary to bypass the bidding process so as to maintain the integrity and consistency of a treatment program. Use of the bidding process for providing service to these individ-

uals can delay treatment and can cause serious changes in treatment programs which are detrimental to the education and treatment process. Vote 15-3. Rep. Leo J. Spencer for Education.

Adopted.

Referred to Appropriations.

### **SPECIAL ORDER**

Rep. Kurk moved that HB 433, establishing a developmentally delayed category, be made a Special Order for March 20, 1991 at 10:20 a.m.

Adopted.

### **REGULAR CALENDAR (continued)**

**HB 473**, relative to school district budget voting. **INEXPEDIENT TO LEGISLATE**.

The feeling of the Committee was that this bill would cause much confusion at the local level in approving the SAU budget. With a bill in the Senate calling for a study of the SAU system, problems relative to the matter may better be addressed by this committee. Vote 16-1. Rep. Charles B. Yeaton for Education.

Adopted.

**HB 522-FN**, relative to compulsory attendance. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**.

**MAJORITY:** This legislation augments the bill passed in the House which will become effective July 1, 1991. That bill requires that a non-coded student must be literate by age 16 in order to quit school. The majority feels that with the money and effort which we spend on education that this is not too unreasonable a demand. Vote 12-7. Rep. Nils H. Larson for the Majority of Education.

**MINORITY:** While the intention of the majority is commendable, this legislation as amended only corrects a technical discrepancy. Students will be required to stay in school until age 18 if they cannot successfully pass a competency test, yet they will still be allowed to leave school earlier upon recommendation of the Superintendent, the School Board, or the Commissioner of Education (RSAs 193:5, 193:15). Also, there is no guarantee the student will be able to pass such a test, even at age 18.

The minority disagrees that this will "indirectly send a message to school districts" that student literacy should be accomplished by age 16. The minority disagrees that this will "indirectly send a message to school districts" that a student's literacy in basic reading, writing and math should be achieved by the eighth grade. Physically keeping a student in the classroom will not achieve literacy when the student does not wish to learn ... nor will it hold those education systems accountable whose students do not achieve basic literacy before high school. Reps. Jacquelyn Domaingue and Arthur B. Corte for the Minority of Education.

Rep. Gilbreth moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment and spoke to his motion.

Rep. Domaingue spoke in favor.

Rep. Larson spoke against.

On a division vote, 169 members having voted in the affirmative and 162 in the negative, the motion was adopted.

The substitute report was adopted.

**HB 546-FN**, granting school districts the opportunity to vote to authorize the expenditure of public funds as reimbursement for private education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.**

**MAJORITY:** This bill was voted Inexpedient to Legislate due to constitutional questions such as expending public funds for church-sponsored schools and possible discrimination against less affluent families. It is also likely that loss of financial support for public schools, particularly in difficult economic times, could seriously harm these schools. It was also felt that the court cases relative to the Epsom abatement program may settle some of these issues. Vote 13-6. Rep. Charles B. Yeaton for the Majority of Education.

**MINORITY:** House Bill 546 is strictly enabling legislation and bears no cost to the state. Each town should be enabled to choose this method of school financing. In many cases, the towns will decide to reject it because of the cost, if they already have a school system that does not send students out of district. However, small towns that send students to high schools for \$5,000 to \$6,000 per student may want to try this method.

We do not feel that towns should have to vote on this each year. Once passed, it should remain law until someone puts it back on the warrant.

In order to placate those who feel it would not be constitutional, the word "parochial" could be dropped from the bill. The amount of the voucher should be decided by the voters. Students would be attending schools that are accredited by the State Board of Education.

This is enabling legislation to allow the voters in each town to make the choice for themselves. Reps. John J. Laurent, Arthur B. Corte, Kathleen M. Hoelzel, Patricia M. Skinner, Joan C. Tate and Jacquelyn Domaingue for the Minority of Education.

Rep. Hunt moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Corte spoke in favor and yielded to questions.

**(Deputy Speaker Michael Hill in the Chair)**

Rep. Champagne spoke against and yielded to questions.

Rep. Laurent spoke in favor.

Rep. Larson spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

#### **YEAS 150**

Accornero, Harry  
Joscelyn, William W.  
Salatiello, Thomas B.

Allard, Nanci A.  
Dickinson, Howard C.  
Saunders, Howard N.

#### **YEAS 150 BELKNAP**

Campbell, Richard H., Jr.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Beach, Mildred A.  
Foster, Robert W.  
Wiggin, Allen R.

#### **NAYS 188**

Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

Daly, Robert J., Jr.  
Jean, Robert R.

**CHESHIRE**

Cole, Kenneth A.  
 Kennison, Wayne A.  
 Metzger, Katherine H.  
 Sawyer, Alfred P.

Hogan, James B.  
 Kingsbury, H. Thayer  
 Morse, Jo Ann T.

Hunt, John B.  
 Laurent, John J.  
 Pearson, Gertrude B.

**COOS**

Buckley, C. Fitzgerald  
 Merrill, Gerald P.

Coulombe, Henry W.  
 Theriault, Romeo J.

Horton, Lynn C.

**GRAFTON**

Bean, Pamela B.  
 Hill, Richard L.  
 Shackett, Ralph E.

Dow, David  
 Lougee, Richard W.  
 Trelfa, Richard T.

Driscoll, William J.  
 Nielsen, Niels F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Arnold, Barbara E.  
 Burke, Stephen J.  
 Daniels, Gary L.  
 Domaingue, Jacquelyn M.  
 Elliott, Larry G.  
 Gagnon, Gabrielle V.  
 Greenglass, Alan B.  
 Hultgren, David D.  
 King, Frank P.  
 Larochelle, Roger B.  
 Lefebvre, Roland J.  
 McRae, Karen K.  
 Pepino, Leo P.  
 Riley, Frances L.  
 Tate, Joan C.  
 Wheeler, Robert L.

Alukonis, David J.  
 Baker, George H., Sr.  
 Chasse, Richard D.  
 Desrochers, Gerard T.  
 Drabinowicz, A. Theresa  
 Fields, Dennis H.  
 Gosselin, Gerald O.  
 Hall, Betty B.  
 Keane, Cornelius J.  
 Kurk, Neal M.  
 Laughlin, J. Francis  
 Martin, Mary Ellen  
 Packard, Bonnie B.  
 Perham, Lester R.  
 Rothhaus, Finlay C.  
 Upton, Barbara A.  
 Wright, George W.

Amidon, Eleanor H.  
 Baldizar, Barbara J.  
 Cook, Valerie S.  
 Dodge, Emma M.  
 Dyer, Merton S.  
 Gage, Ruth E.  
 Goulet, Maurice E.  
 Healy, Daniel J.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lawrence, Norman B.  
 McNerney, Daniel P.  
 Paquette, Rodolphe G.  
 Rheault, Lillian I.  
 Smith, Leonard A.  
 Wheeler, David K.

**MERRIMACK**

Barberia, Richard A.  
 Christie, Thomas J.  
 Millard, Elizabeth S.  
 Stapleton, Henry F.

Chandler, Earle W.  
 Hayes, Robert C.  
 Nichols, Avis B.  
 Weeks, John F., Jr.

Chandler, John P.  
 Holmes, Mary C.  
 Smith, Gerald R.  
 Whittemore, James A.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Cote, Patricia L.  
 Flanders, Harry E.  
 Hoelzel, Kathleen M.  
 Keith, Brenda E.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

Brown, Jeffrey M.  
 Dube, LeRoy S.  
 Ford, Bert H.  
 Hynes, Carolyn E.  
 Klemarczyk, Thaddeus E.  
 Packard, Sherman A.  
 Rosencrantz, James R.  
 Seward, Russell G.  
 Sytek, Donna P.  
 Warburton, Calvin  
 Woods, Deborah L.

Buco, Stephen W.  
 Falwell, Robert V.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 McCain, William F.  
 Palazzo, Frank J.  
 Roulston, Donald L.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Welch, David A.



**STRAFFORD**

Appleby, James E.  
 Frechette, Roland A.  
 Kinney, Paula J.  
 O'Brien, John

Corte, Arthur B.  
 Jankowski, Peter M.  
 Marston, Robert E.  
 Pageotte, Donald P.

Douglass, Clyde J.  
 Kincaid, William K.  
 Martling, W. Kent  
 Sullivan, Henry P.

**SULLIVAN**

Behrens, Thomas A.  
 Peyron, Fredrik

Domini, Irene C.

Middleton, John A.

**NAYS 188  
BELKNAP**

Bartlett, Gordon E.  
 Maviglio, Steven R.

Dewhirst, Glenn E.  
 Shibley, Arnold P.

Hawkins, Robert S.  
 Ziegra, Alice S.

**CARROLL**

Bradley, Jeb E.

Dodge, A. Gibb, Jr.

Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
 Crutchley, Donald O.  
 Foster, Katherine D.  
 Lynch, Margaret A.  
 Riley, William A.

Champagne, Richard L.  
 DePecol, Benjamin J.  
 Grodin, Richard A.  
 Perry, David M.  
 Spear, Susan S.

Clark, Eugene W.  
 Feuer, Joseph N.  
 LaMar, David M.  
 Pratt, Irene A.

**COOS**

Brungot, Catherine V.  
 Kilbride, Dennis J.  
 Pratt, Leighton C.

Guay, Lawrence J.  
 Nelson, Harold D.

Hawkinson, Marie C.  
 Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
 Chambers, Mary P.  
 Guest, Robert H.  
 Nordgren, Sharon L.  
 Teschner, Douglass P.  
 Whitcomb, Henry F., Jr.

Arnesen, Deborah L.  
 Christy, C. Dana  
 Larson, Nils H., Jr.  
 Scanlan, David M.  
 Wadsworth, Karen O.  
 White, Paul R.

Brown, Patricia B.  
 Copenhaver, Marion L.  
 McIlwaine, Deborah P.  
 Stewart, Roger D.  
 Ward, Kathleen W.

**HILLSBOROUGH**

Andrews, Frederick B.  
 Bowers, Dorothy C.  
 Clemons, Jane A.  
 Crotty, Edward J.  
 Donovan, Francis X.  
 Dwyer, Patricia R.  
 Ferlan, Arthur P.  
 Green, Scott E.  
 Hanselman, Gregory L.  
 Jasper, Shawn N.  
 Kelley, Robert N.  
 Leclerc, Charles J.  
 McCann, Bonnie Lou  
 Messier, Irene M.

Baroody, Benjamin C.  
 Buckley, Raymond  
 Cote, David E.  
 Daigle, Robert A.  
 Drolet, Paul L.  
 Emerton, Lawrence A.  
 Ford, Nancy M.  
 Gureckis, Adam C., Sr.  
 Healy, Walter F.  
 Johnson, Lionel W.  
 Lachut, Ervin R.  
 Lown, Elizabeth D.  
 McDowell, James E.  
 Moore, Elizabeth A.

Bourque, Ann J.  
 Calawa, Leon, Jr.  
 Cowenhoven, Garret P.  
 Desrosiers, William J.  
 Durham, Susan B.  
 Ferguson, Charles  
 Gagnon, Eugene L.  
 Haettenschwiller, Alphonse  
 Holden, Carol H.  
 Jordan, Mary H.  
 Lawrence, Eva M.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Murphy, Robert E.

O'Rourke, Joanne A.  
 Reidy, Frank J.  
 Soucy, Donna M.  
 Turgeon, Roland M.

Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Stiles, Walter A.  
 Vanderlosk, Stanley R.

Record, Alice B.  
 Searles, Stanley N., Sr.  
 Tarpley, Nancy L.  
 White, John M.

#### MERRIMACK

Apple, Lowell D.  
 Carter, Susan D.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Jacobson, Alf E.  
 Letourneau, George E.  
 Molner, Mary E.  
 Teague, Bert  
 Yeaton, Charles B.

Asplund, Bronwyn L.  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Johnson, C. William  
 Lewis, Mary Ann  
 Soldati, Jennifer G.  
 Trombly, Rick A.

Braiterman, Thea  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Stio, Peter M.  
 Wallner, Mary Jane

#### ROCKINGHAM

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Coffey, John J.  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Greene, Elizabeth A.  
 Hutchinson, Karen K.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Schmidtchen, Rowland H.  
 Syracuse, Anthony  
 Vaughn, Charles L.

Boucher, William P.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Griebisch, Linda  
 Kane, Cecelia D.  
 MacKinnon, Nancy W.  
 McCarthy, John J., Jr.  
 Pantelakos, Laura C.  
 Senter, Marilyn P.  
 Terninko, Margaret B.

Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Cooke, Annette M.  
 Dowling, Patricia A.  
 Flanders, John W., Sr.  
 Haynes, Richard  
 Katsakiores, George N.  
 Magoon, Harold F.  
 McGovern, Cynthia A.  
 Schanda, Joseph, Sr.  
 Splaine, John E., Sr.  
 Tufts, Arthur

#### STRAFFORD

Bickford, Drucilla  
 Foss, Patricia H.  
 Keans, Sandra B.  
 Nehring, William H.  
 Tsiros, William

Brown, Julie M.  
 Gilmore, Gary R.  
 McCann, William H., Jr.  
 Spencer, Leo J.  
 Vincent, Francis C.

Flynn, Edward J.  
 Hashem, Elaine M.  
 Merrill, Amanda A.  
 Torr, Ann M.  
 Wheeler, Katherine W.

#### SULLIVAN

Allison, David C.  
 Harland, Jane A.  
 Rodeschin, Beverly T.  
 Tetu, Michael A.

Burling, Peter Hoe  
 Krueger, Richard H.  
 Schotanus, Merle W.

Flint, Gordon B.  
 Lindblade, Eric N.  
 Stamatakis, Carol M.

and the motion failed.

Rep. Hambrick notified the Clerk that she wished to be recorded in opposition to the motion.

Report adopted.

**HB 582-FN**, relative to ozone-depleting compounds. RE-REFER TO COMMITTEE.

Although the Committee believes that unnecessary emission of ozone-depleting chemicals, such as chlorofluorocarbons (CFCs) and halons used in motor vehicle air

conditioners and in certain products, be reduced and eventually eliminated by regulating the use or sale of various products or equipment containing, extracting, or reclaiming such chemicals, it was a unanimous decision to re-refer HB 582 until the Environmental Protection Agency directives are clarified. Vote 12-0. Rep. Bonnie Lou McCann for Environment and Agriculture.

Re-referred to Committee.

### **SPECIAL ORDERS**

Rep. Gross moved that HB 615, relative to sand and gravel, and HB 742, relative to excavation, be made Special Orders for March 20, 1991 at 10:30 a.m.

Adopted.

### **REGULAR CALENDAR (continued)**

**HB 646-FN**, relative to the disposal of certain solid waste products and leaf and yard waste. RE-REFER TO COMMITTEE.

This bill dealt with the issue of yard waste and how it would be handled in the solid waste stream. While this type of waste constitutes a significant problem, it also offers itself as a valuable resource. There were objections to various different sections of the legislation. The Committee feels it can pull together the appropriate sections of the bill by re-referring it. Vote 13-0. Rep. Rick A. Trombly for Environment and Agriculture.

Re-referred to Committee.

**HB 750-FN**, establishing a waste tire management program and delineating a preference for rubberized asphalt paving. OUGHT TO PASS WITH AMENDMENT.

This bill establishes a committee headed by the Department of Transportation to study the development of a waste tire management program emphasizing the reuse of waste tires. Vote 10-3. Rep. Nancy L. Tarpley for Environment and Agriculture.

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a committee to study the development  
of a waste-tire management program

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Study Committee Established.**

I. There is hereby established a committee which shall study and consider legislation relative to the reuse by the state of New Hampshire of motor vehicle waste tires which have been disposed of in the state and developing a waste tire management program.

#### **II. The duties of the committee shall be:**

(a) To identify and study the reuse of waste tires for secondary purposes and uses such as asphalt aggregate, water mains, and any other suitable purposes or uses.

(b) To consider the applicability of such reuses both in the short and long terms.

(c) To consider methods for financing reuse of waste products.

(d) To consider types of facilities, methods of waste collection, and other issues related to reuse.

III. The study committee recommendation shall be in the form of a report to be submitted by November 1, 1991 to the governor, the speaker of the house, and the president of the senate.

IV. The membership of the committee shall be comprised of the following:

(a) One member from the department of transportation, appointed by the governor.

(b) One member from the department of environmental services, appointed by the governor.

(c) One member from the office of state planning, appointed by the governor.

(d) One member of the house environment and agriculture committee, appointed by the speaker of the house.

(e) One member of the senate environment committee, appointed by the senate president.

(f) One member from the business community, appointed by the governor.

(g) One member from the New Hampshire Resource Recovery Association, appointed by the association.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a study committee relative to the reuse in the state of waste tires and developing a waste tire management program.

Adopted.

The Committee report was adopted.

Ordered to third reading.

**HB 753-FN**, redefining compost and encouraging state agencies to utilize New Hampshire-produced compost when appropriate. **OUGHT TO PASS.**

This bill redefines the term "compost" for the purposes of solid waste management under RSA 149-M. The bill also encourages the state agencies to utilize New Hampshire-produced compost in any agency projects. With the growing consideration of composting by municipalities, the bill is particularly pertinent. Vote 12-0. Rep. Daniel M. Burnham for Environment and Agriculture.

Adopted.

Report adopted.

Ordered to third reading.

**HR 14**, urging bottlers within the state of New Hampshire to use ecology glass. **OUGHT TO PASS WITH AMENDMENT.**

House Resolution 14 requests that bottlers in the state explore using ecology glass. Ecology glass is a process by which white glass is colored. The Committee hopes that once bottlers examine the use of ecology glass, they will find it to be an environmentally safe, economical alternative to manufactured colored glass. Vote 13-0. Rep. Rick A. Trombly for Environment and Agriculture.

#### Amendment

Amend the resolution by replacing all after the resolving clause with the following:

Resolved by the House of Representatives:

That the house of representatives of the state of New Hampshire hereby requests that bottlers within the state seriously consider using this type of glass in their bottling processes.

Adopted.

Report adopted.

Ordered to third reading.



**HB 52**, relative to the administration of the New Hampshire retirement system.  
**OUGHT TO PASS WITH AMENDMENT.**

This bill is a complete amendment re-write of the original HB 52. It allows members of the General Court to participate, at their own expense, in the state employee group insurance plan. Vote 9-7. Rep. Lawrence A. Emerton for Executive Departments and Administration.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to group health insurance participation  
by members of the general court.

Amend the bill by replacing section 1 with the following:

1 Group Health Insurance; Participation by Members of General Court. RSA 14-A:6 is repealed and reenacted to read as follows:

14-A:6 Group Insurance Participation.

I. Members of the general court may participate at their own expense in a group health insurance arrangement for members of the general court during their tenure in office. Such group health insurance arrangement shall be the state employees group insurance plan provided under RSA 21-I:26-36. Participation in such state employees group insurance plan by a member of the general court shall not be considered by any judicial, administrative, executive or any other body as evidence that a member of the general court is an employee of the state.

II. Notwithstanding the terms of any state employee group insurance contract or other state law to the contrary, members of the general court who have participated in a group health insurance arrangement for members of the general court during their tenure in office, shall elect, within 30 days after they leave the general court, either to continue to participate fully in that arrangement for as long as they choose to do so at their own expense, or to discontinue their participation.

#### **AMENDED ANALYSIS**

This bill specifies that the group health insurance arrangement in which members of the general court may participate shall be the state employees group insurance plan. The bill also provides that members of the general court who participate in the plan shall not be considered state employees.

Reps. Ward and Emerton spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

#### **SPECIAL ORDER**

Rep. Kurk moved that HB 62-FN, relative to retirement allowances under the New Hampshire retirement system, be made a Special Order for March 20, 1991 at 10:40 a.m.

Adopted.

**REGULAR CALENDAR** (continued)

**HB 127**, changing the name of Fast Day to Civil Rights Day. **OUGHT TO PASS WITH AMENDMENT.**

A joint House/Senate Committee listened to dozens of citizens representing the various sides of this issue during more than four hours of hearings on three related bills ... HB 58, HB 127 and SB 229.

The Committee felt that there is a strong sentiment that the House wishes to make a positive statement on this issue. Accordingly, the Committee after long debate, worked out this compromise bill by which the third Monday of January will be a state holiday known as "Civil Rights Day," which will replace Fast Day. Vote 9-6. Rep. Lawrence A. Emerton for Executive Departments and Administration.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing Civil Rights Day and abolishing Fast Day.

Amend the bill by replacing all after the enacting clause with the following:

1 Holiday Replacing Fast Day. RSA 288:1 is repealed and reenacted to read as follows:

288:1 Holidays. January 1; the third Monday in January, known as Civil Rights Day; the third Monday in February, known as Washington's Birthday; May 30, known as Memorial Day; July 4, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; the day on which the biennial election is held; November 11, known as Veterans Day; Thanksgiving Day, whenever appointed; and Christmas Day are legal holidays.

2 Civil Rights Day Holiday Established. In recognition of the courage, determination, and personal sacrifice of the many people from a variety of cultural backgrounds who fought and died in the struggle to gain freedom and equality for all individuals; and in recognition of the Civil War, this nation's greatest battle fought between April 1861 and April 1865 for freedom of individual rights from the bonds of slavery; and to celebrate these freedoms in a manner consistent with every individual's constitutional rights to free speech and liberty, this law seeks to honor those persons who have dedicated or will dedicate their lives to the issue of equality for all by establishing the third Monday in January as Civil Rights Day in New Hampshire. This recognized celebration of civil rights seeks to educate society, in an impartial manner, against prejudice.

3 Effective Date. This act shall take effect July 1, 1991.

**AMENDED ANALYSIS**

This bill establishes the third Monday in January as Civil Rights Day. The bill also rearranges the wording of RSA 288:1 so that holidays are listed in chronological order.

Reps. John Sytek and Lionel Johnson spoke in favor.

Rep. Domaingue spoke in favor and yielded to questions.

Rep. Lougee spoke against.

Reps. Barberia and Emerton spoke in favor.

Roll call request sufficiently seconded.

The question being the adoption of the Committee report.

**YEAS 231****NAYS 111****YEAS 231  
BELKNAP**

Bartlett, Gordon E.  
Maviglio, Steven R.  
Vogler, Charles C.

Hawkins, Robert S.  
Rice, Thomas E. P., Jr.

Joscelyn, William W.  
Salatiello, Thomas B.

**CARROLL**

Beach, Mildred A.

Bradley, Jeb E.

Dodge, A. Gibb, Jr.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Foster, Katherine D.  
Hunt, John B.  
LaMar, David M.  
Metzger, Katherine H.  
Perry, David M.  
Spear, Susan S.

Champagne, Richard L.  
Crutchley, Donald O.  
Grodin, Richard A.  
Kennison, Wayne A.  
Laurent, John J.  
Morse, Jo Ann T.  
Pratt, Irene A.

Clark, Eugene W.  
DePecol, Benjamin J.  
Hogan, James B.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Pearson, Gertrude B.  
Riley, William A.

**COOS**

Burns, Harold W.  
Horton, Lynn C.  
Oliver, Terry D.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Pratt, Leighton C.

Hawkinson, Marie C.  
Nelson, Harold D.  
Therriault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Dow, David  
Hill, Richard L.  
Nordgren, Sharon L.  
Stewart, Roger D.  
Wadsworth, Karen O.

Arnesen, Deborah L.  
Chambers, Mary P.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Copenhaver, Marion L.  
Guest, Robert H.  
McIlwaine, Deborah P.  
Shackett, Ralph E.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Bourque, Ann J.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrosiers, William J.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Emerton, Lawrence A.  
Ford, Nancy M.  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Hultgren, David D.  
Keane, Cornelius J.  
King, Frank P.  
Larochelle, Roger B.  
Mason, Howard F.

Alukonis, David J.  
Baldizar, Barbara J.  
Buckley, Raymond  
Clemons, Jane A.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Dyer, Merton S.  
Ferguson, Charles  
Gage, Ruth E.  
Green, Scott E.  
Hall, Betty B.  
Johnson, Lionel W.  
Kelley, Dana F.  
Kurk, Neal M.  
Leclerc, Charles J.  
McDowell, James E.

Amidon, Eleanor H.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Cook, Valerie S.  
Daniels, Gary L.  
Donovan, Francis X.  
Durham, Susan B.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Jordan, Mary H.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lefebvre, Roland J.  
Mercer, Robert S.

Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Perham, Lester R.  
Record, Alice B.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
Turgeon, Roland M.  
White, John M.

Murphy, Robert E.  
Packard, Bonnie B.  
Peters, Stanley W.  
Reidy, Frank J.  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.  
Upton, Barbara A.  
Wright, George W.

Nardi, Theodora P.  
Paquette, Rodolphe G.  
Pignatelli, Debora B.  
Robinson, Ellen-Ann  
Soucy, Donna M.  
Tate, Joan C.  
Wheeler, Robert L.

### MERRIMACK

Barberia, Richard A.  
Carter, Susan D.  
Dunn, Miriam D.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Johnson, C. William  
Lockwood, Robert A.  
Stio, Peter M.  
Wallner, Mary Jane

Boucher, Laurent J.  
Chandler, John P.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Kidder, William F.  
Nichols, Avis B.  
Teague, Bert  
Weeks, John F., Jr.

Braiterman, Thea  
Christie, Thomas J.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Jacobson, Alf E.  
Letourneau, George E.  
Soldati, Jennifer G.  
Trombly, Rick A.  
Yeaton, Charles B.

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Conroy, Janet M.  
Dowd, Sandra K.  
Flanders, Harry E.  
Hynes, Carolyn E.  
Katsakiores, George N.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Rubin, George R.  
Smith, Arthur W.  
Sytek, Donna P.  
Vaughn, Charles L.

Bell, Juanita L.  
Christie, Andrew, Jr.  
Cooke, Annette M.  
Dowling, Patricia A.  
Greene, Elizabeth A.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
Malcolm, Kenneth W.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Senter, Marilyn P.  
Splaine, John E., Sr.  
Sytek, John J.  
Warburton, Calvin

Boucher, William P.  
Clark, Martha Fuller  
DiPietro, Carmela M.  
Falwell, Robert V.  
Griebsch, Linda  
Kane, Cecelia D.  
Klemm, Arthur P., Jr.  
McCain, William F.  
Melnick, Roy E.  
Rosencrantz, James R.  
Skinner, Patricia M.  
Syracusa, Anthony  
Tufts, Arthur

### STRAFFORD

Flynn, Edward J.  
Gilmore, Gary R.  
Kincaid, William K.  
McCann, William H., Jr.  
O'Brien, John  
Spencer, Leo J.

Foss, Patricia H.  
Jankowski, Peter M.  
Kinney, Paula J.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Torr, Ann M.

Frechette, Roland A.  
Keans, Sandra B.  
Martling, W. Kent  
Nehring, William H.  
Parks, Joe B.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Lindblade, Eric N.

Behrens, Thomas A.  
Harland, Jane A.  
Schotanus, Merle W.

Burling, Peter Hoe  
Krueger, Richard H.  
Tetu, Michael A.



### NAYS III BELKNAP

|                     |                           |                    |
|---------------------|---------------------------|--------------------|
| Accornero, Harry    | Campbell, Richard H., Jr. | Dewhirst, Glenn E. |
| Holbrook, Robert G. | Rosen, Ralph J.           | Shibley, Arnold P. |
| Turner, Robert H.   | Ziegra, Alice S.          |                    |

### CARROLL

|                      |                   |                      |
|----------------------|-------------------|----------------------|
| Allard, Nanci A.     | Chandler, Gene G. | Daly, Robert J., Jr. |
| Dickinson, Howard C. | Foster, Robert W. | Jean, Robert R.      |
| Saunders, Howard N.  | Wiggin, Allen R.  | Wiggin, Gordon E.    |

### CHESHIRE

|                  |                   |
|------------------|-------------------|
| Feuer, Joseph N. | Sawyer, Alfred P. |
|------------------|-------------------|

### COOS

|                       |                        |                   |
|-----------------------|------------------------|-------------------|
| Brungot, Catherine V. | Buckley, C. Fitzgerald | Guay, Lawrence J. |
| Merrill, Gerald P.    |                        |                   |

### GRAFTON

|                    |                        |                 |
|--------------------|------------------------|-----------------|
| Brown, Patricia B. | Christy, C. Dana       | LaMott, Paul I. |
| Lougee, Richard W. | Nielsen, Niels F., Jr. | White, Paul R.  |

### HILLSBOROUGH

|                       |                        |                       |
|-----------------------|------------------------|-----------------------|
| Andrews, Frederick B. | Bowers, Dorothy C.     | Calawa, Leon, Jr.     |
| Cote, David E.        | Cowenhoven, Garret P.  | Desrochers, Gerard T. |
| Dodge, Emma M.        | Fenton, James J.       | Fields, Dennis H.     |
| Gagnon, Gabrielle V.  | Goulet, Maurice E.     | Greenglass, Alan B.   |
| Healy, Daniel J.      | Healy, Walter F.       | Holden, Carol H.      |
| Jasper, Shawn N.      | L'Heureux, Robert J.   | Laughlin, J. Francis  |
| Lawrence, Eva M.      | Lawrence, Norman B.    | Lown, Elizabeth D.    |
| McCann, Bonnie Lou    | McNerney, Daniel P.    | McRae, Karen K.       |
| Messier, Irene M.     | Pepino, Leo P.         | Riley, Frances L.     |
| Smith, Leonard A.     | Vanderlosk, Stanley R. | Wheeler, David K.     |

### MERRIMACK

|                      |                    |                       |
|----------------------|--------------------|-----------------------|
| Apple, Lowell D.     | Chandler, Earle W. | Daneault, Gabriel J.  |
| Holmes, Mary C.      | Lewis, Mary Ann    | Millard, Elizabeth S. |
| Molner, Mary E.      | Smith, Gerald R.   | Stapleton, Henry F.   |
| Whittemore, James A. |                    |                       |

### ROCKINGHAM

|                       |                       |                         |
|-----------------------|-----------------------|-------------------------|
| Benton, Richardson D. | Brown, Jeffrey M.     | Buco, Stephen W.        |
| Caswell, Albert, Jr.  | Coffey, John J.       | Cote, Patricia L.       |
| Dube, LeRoy S.        | Flanagan, Natalie S.  | Flanders, John W., Sr.  |
| Ford, Bert H.         | Haynes, Richard       | Hoar, John, Jr.         |
| Hoelzel, Kathleen M.  | Hutchinson, Karen K.  | Keith, Brenda E.        |
| Lovejoy, Virginia K.  | MacKinnon, Nancy W.   | Palazzo, Frank J.       |
| Raynowska, Bernard J. | Schanda, Joseph, Sr.  | Schmidtchen, Rowland H. |
| Seward, Russell G.    | Terninko, Margaret B. | Thayer, Leroy C.        |
| Welch, David A.       | Weyler, Kenneth L.    | Woods, Deborah L.       |

**STRAFFORD**

Appleby, James E.  
Douglass, Clyde J.  
Sullivan, Henry P.

Bickford, Drucilla  
Hashem, Elaine M.  
Tsiros, William

Brown, Julie M.  
Marston, Robert E.  
Vincent, Francis C.

**SULLIVAN**

Domini, Irene C.  
Rodeschin, Beverly T.

Middleton, John A.  
Stamatakis, Carol M.

Peyron, Fredrik  
Walsh, Robert R.

and the report was adopted.

Ordered to third reading.

Reps. Wood, Coffey and David Cote notified the Clerk that they inadvertently voted nay and intended to vote yea.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

**(Speaker Burns in the Chair)**

**HB 317-FN**, relative to a minimum service retirement allowance for group II members. RE-REFER TO COMMITTEE.

The Committee felt a good case was made to establish a minimum service retirement allowance for Group II members and will refer this proposal to the task force (HB 51) for its deliberations. Vote 12-1. Rep. Kathleen W. Ward for Executive Departments and Administration.

Re-referred to Committee.

**HB 345**, relative to the administration of the New Hampshire retirement system. INEXPEDIENT TO LEGISLATE.

The Committee feels that this subject matter will be addressed by the task force (HB 51) when it reviews the entire Retirement System. Vote 11-4. Rep. Kathleen W. Ward for Executive Departments and Administration.

Adopted.

**HB 404-FN**, relative to certificate of wetland scientists. RE-REFER TO COMMITTEE.

The Committee feels this bill has merit, but because of time restraints and the work needed to meet requirements for certification, the Committee recommends re-referral. Vote 15-1. Rep. Sandra K. Dowd for Executive Departments and Administration.

Adopted.

**HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor. RE-REFER TO COMMITTEE.

After extensive review, the Committee wishes to do further work on this bill, since there are several questions remaining concerning the relationship of this bill to existing licensing boards and certification programs. Vote 16-1. Rep. David A. Flanders for Executive Departments and Administration.

Rep. Copenhaver moved that the words Ought to Pass be substituted for the report of the Committee, Re-refer to Committee.

Rep. Dunn spoke in favor.

Rep. Ward spoke against and yielded to questions.

On a division vote, 94 members having voted in the affirmative and 233 in the negative, the motion lost.

Re-referred to Committee.

**HB 606-FN**, prohibiting discrimination on the basis of sexual orientation or national origin. **INEXPEDIENT TO LEGISLATE.**

Since the State of New Hampshire is an equal opportunity employer, the Committee felt this bill was not necessary. Vote 10-6. Rep. Sandra K. Dowd for Executive Departments and Administration.

Rep. Scott Green moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Rep. Dowd spoke against.

Rep. O'Brien spoke in favor.

Rep. William Boucher spoke against.

Rep. Dunn spoke in favor.

Rep. Gosselin spoke against.

Rep. Trombly spoke in favor

Rep. Ward spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

### **YEAS 107**

### **NAYS 236**

#### **YEAS 107**

#### **BELKNAP**

Maviglio, Steven R.

Salatiello, Thomas B.

#### **CARROLL**

Bradley, Jeb E.

#### **CHESHIRE**

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Riley, William A.

Champagne, Richard L.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.  
Spear, Susan S.

Cole, Kenneth A.  
Hunt, John B.  
LaMar, David M.  
Pratt, Irene A.

#### **COOS**

Buckley, C. Fitzgerald  
Oliver, Terry D.

Hawkinson, Marie C.  
Theriault, Romeo J.

Kilbride, Dennis J.

#### **GRAFTON**

Arnesen, Deborah L.  
Dow, David  
Lougee, Richard W.  
Teschner, Douglass P.

Chambers, Mary P.  
Guest, Robert H.  
McIlwaine, Deborah P.

Copenhaver, Marion L.  
LaMott, Paul I.  
Nordgren, Sharon L.

#### **HILLSBOROUGH**

Alukonis, David J.  
Baroody, Benjamin C.  
Cote, David E.  
Dwyer, Patricia R.  
Green, Scott E.  
Hanselman, Gregory L.  
McDowell, James E.  
Nardi, Theodora P.  
Robinson, Ellen-Ann  
Turgeon, Roland M.

Baker, George H., Sr.  
Burke, Stephen J.  
Desrochers, Gerard T.  
Elliott, Larry G.  
Gureckis, Adam C., Sr.  
Jordan, Mary H.  
Messier, Irene M.  
O'Rourke, Joanne A.  
Soucy, Donna M.  
White, John M.

Baldizar, Barbara J.  
Clemons, Jane A.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Leclerc, Charles J.  
Moore, Elizabeth A.  
Pignatelli, Debora B.  
Tate, Joan C.

**MERRIMACK**

Braiterman, Thea  
Fair, Patricia A.  
Johnson, C. William  
Molner, Mary E.  
Trombly, Rick A.

Carter, Susan D.  
Hall, Douglas E.  
Letourneau, George E.  
Smith, Gerald R.  
Wallner, Mary Jane

Dunn, Miriam D.  
Jacobson, Alf E.  
Lockwood, Robert A.  
Soldati, Jennifer G.  
Yeaton, Charles B.

**ROCKINGHAM**

Caswell, Albert, Jr.  
Greene, Elizabeth A.  
McCarthy, John J., Jr.  
Pantelakos, Laura C.  
Splaine, John E., Sr.

Clark, Martha Fuller  
Griebsch, Linda  
McGovern, Cynthia A.  
Rosencrantz, James R.  
Syracusa, Anthony

Dowling, Patricia A.  
Kane, Cecelia D.  
Melnick, Roy E.  
Rubin, George R.  
Terninko, Margaret B.

**STRAFFORD**

Gilmore, Gary R.  
Keans, Sandra B.  
McCann, William H., Jr.  
Spencer, Leo J.

Hashem, Elaine M.  
Kincaid, William K.  
Merrill, Amanda A.  
Wheeler, Katherine W.

Jankowski, Peter M.  
Marston, Robert E.  
O'Brien, John

**SULLIVAN**

Burling, Peter Hoe  
Tetu, Michael A.

Harland, Jane A.  
Walsh, Robert R.

Stamatakis, Carol M.

**NAYS 236****BELKNAP**

Accornero, Harry  
Dewhirst, Glenn E.  
Joscelyn, William W.  
Shibley, Arnold P.  
Ziegra, Alice S.

Bartlett, Gordon E.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

Beach, Mildred A.  
Dickinson, Howard C.  
Jean, Robert R.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

**CHESHIRE**

Clark, Eugene W.  
Grodin, Richard A.  
Metzger, Katherine H.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hogan, James B.  
Morse, Jo Ann T.

Feuer, Joseph N.  
Laurent, John J.  
Perry, David M.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Pratt, Leighton C.

Coulombe, Henry W.  
Merrill, Gerald P.

Guay, Lawrence J.  
Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Hill, Richard L.

Bean, Pamela B.  
Christy, C. Dana  
Larson, Nils H., Jr.

Brown, Channing T.  
Driscoll, William J.  
Nielsen, Niels F., Jr.



Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Shackett, Ralph E.  
Wadsworth, Karen O.  
White, Paul R.

Stewart, Roger D.  
Ward, Kathleen W.

### HILLSBOROUGH

Ahrens, Frederick G.  
Arnold, Barbara E.  
Buckley, Raymond  
Cook, Valerie S.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Fenton, James J.  
Fields, Dennis H.  
Gagnon, Gabrielle V.  
Greenglass, Alan B.  
Holden, Carol H.  
Johnson, Lionel W.  
Kelley, Robert N.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Paquette, Rodolphe G.  
Peters, Stanley W.  
Riley, Frances L.  
Smith, Leonard A.  
Upton, Barbara A.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Ferguson, Charles  
Ford, Nancy M.  
Gosselin, Gerald O.  
Healy, Daniel J.  
Hultgren, David D.  
Keane, Cornelius J.  
King, Frank P.  
Lachut, Ervin R.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Murphy, Robert E.  
Pepino, Leo P.  
Record, Alice B.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
Vanderlosk, Stanley R.  
Wright, George W.

Andrews, Frederick B.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Crotty, Edward J.  
Dodge, Emma M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Goulet, Maurice E.  
Healy, Walter F.  
Jasper, Shawn N.  
Kelley, Dana F.  
Kurk, Neal M.  
Laroche, Roger B.  
Lawrence, Norman B.  
Mason, Howard F.  
McRae, Karen K.  
Packard, Bonnie B.  
Perham, Lester R.  
Reidy, Frank J.  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.  
Wheeler, David K.

### MERRIMACK

Apple, Lowell D.  
Boucher, Laurent J.  
Christie, Thomas J.  
Gilbreth, Robert M.  
Hayes, Robert C.  
Kidder, William F.  
Nichols, Avis B.  
Teague, Bert

Asplund, Bronwyn L.  
Chandler, Earle W.  
Daneault, Gabriel J.  
Gross, Caroline L.  
Hill, Michael J.  
Lewis, Mary Ann  
Stapleton, Henry F.  
Weeks, John F., Jr.

Barberia, Richard A.  
Chandler, John P.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Millard, Elizabeth S.  
Stio, Peter M.  
Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
Brown, Jeffrey M.  
Christie, Andrew, Jr.  
Cooke, Annette M.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Hynes, Carolyn E.

Benton, Richardson D.  
Bucu, Stephen W.  
Coffey, John J.  
Cote, Patricia L.  
Dube, LeRoy S.  
Flanagan, Natalie S.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
Johnson, Robert A.

Boucher, William P.  
Campbell, Marilyn R.  
Conroy, Janet M.  
DiPietro, Carmela M.  
Falwell, Robert V.  
Flanders, Harry E.  
Haynes, Richard  
Hutchinson, Karen K.  
Katsakiores, George N.

Keith, Brenda E.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 Packard, Sherman A.  
 Roulston, Donald L.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Warburton, Calvin  
 Woods, Deborah L.

Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McCain, William F.  
 Palazzo, Frank J.  
 Schanda, Joseph, Sr.  
 Seward, Russell G.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Welch, David A.

Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Schmidchen, Rowland H.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Vaughn, Charles L.  
 Weyler, Kenneth L.

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Martling, W. Kent  
 Parks, Joe B.  
 Tsiros, William

Bickford, Drucilla  
 Douglass, Clyde J.  
 Frechette, Roland A.  
 Nehring, William H.  
 Sullivan, Henry P.  
 Vincent, Francis C.

Brown, Julie M.  
 Flynn, Edward J.  
 Kinney, Paula J.  
 Pageotte, Donald P.  
 Torr, Ann M.

### SULLIVAN

Behrens, Thomas A.  
 Krueger, Richard H.  
 Peyron, Fredrik  
 and the motion lost.

Domini, Irene C.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.

Flint, Gordon B.  
 Middleton, John A.  
 Schotanus, Merle W.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

Report adopted.

**HB 610-FN**, establishing a committee to study how the department of administrative services may efficiently collect the fines and fees imposed by the state. **OUGHT TO PASS.**

It is a well-known fact that the state is owed millions of dollars in fines, and it is known that only a small portion may be collected by credit card, but even a small amount will help in these times of need for finances. Vote 10-6. Rep. Kathleen W. Ward for Executive Departments and Administration.

Adopted.

Ordered to third reading.

**HB 645-FN**, relative to the practice of architecture. **INEXPEDIENT TO LEGISLATE.**

The Committee decided that the Board of Architecture should be able to police its own rules under Chapter 310-A:50. This bill is not needed. Vote 10-5. Rep. Gerald O. Gosselin for Executive Departments and Administration.

Adopted.

**HB 662-FN**, to establish a joint legislative oversight committee on New Hampshire retirement system funds. **INEXPEDIENT TO LEGISLATE.**

This bill would establish a further joint legislative oversight committee on the New Hampshire Retirement System, duplicating to a substantial degree part of the agenda assigned to the task force in House Bill 51. Vote 15-1. Rep. Kathleen W. Ward for Executive Departments and Administration.

Adopted.

**HB 682-FN**, relative to field purchase orders in the department of administrative services. **INEXPEDIENT TO LEGISLATE**.

Testimony at Committee hearings revealed that a larger amount allowed on field purchase orders would only increase paperwork. There is ample flexibility in purchases above the minimum limit. Vote 10-6. Rep. Arnold P. Shibley for Executive Departments and Administration.

Adopted.

**HB 585-FN**, recodifying the laws relative to emergency medical services. **REFER TO COMMITTEE**.

The purpose of this bill is to standardize the statutes and remove ambiguities regarding the way emergency medical services are delivered. An emergency medical services coordinating board is established with 14 members representing all interested parties. This board is to assure the development, coordination and administration of an emergency medical services system that reflects the differing needs and abilities of the state's communities and regions. Vote 16-1. Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs.

Re-referred to Committee.

**HB 667-FN**, relative to clean-up of health nuisances. **OUGHT TO PASS**.

This bill establishes a procedure for collection of nuisance abatement costs for public health nuisances, and makes an owner liable for cleaning up a health nuisance after proper notice has been given. Vote 13-4. Rep. Joseph A. MacDonald for Health, Human Services and Elderly Affairs.

Adopted.

Ordered to third reading.

**HCR 11**, relative to abortion drug RU486. **OUGHT TO PASS**.

After considerable discussion and a lengthy hearing, the Committee voted 11-6 that HCR 11, a resolution relative to the anti-progesterone known as RU 486, ought to pass. The majority felt that this was a resolution, not a law, and therefore, an appropriate matter for its consideration. The Committee encourages the Federal Drug Administration to allow for the introduction of RU 486 for its significant medical value and, if it is introduced, to encourage New Hampshire to be a site for clinical trials and submit the data from such clinical trials to the Food and Drug Administration. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

Roll call request sufficiently seconded.

The question being the adoption of the Committee report.

**YEAS 211**

**NAYS 130**

**YEAS 211**

**BELKNAP**

Bartlett, Gordon E.  
Joscelyn, William W.  
Rosen, Ralph J.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Salatiello, Thomas B.

Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.

**CARROLL**

Allard, Nanci A.  
Dickinson, Howard C.

Bradley, Jeb E.  
Wiggin, Allen R.

Chandler, Gene G.  
Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
 Cole, Kenneth A.  
 Feuer, Joseph N.  
 Hogan, James B.  
 Kingsbury, H. Thayer  
 Metzger, Katherine H.  
 Perry, David M.  
 Sawyer, Alfred P.

Champagne, Richard L.  
 Crutchley, Donald O.  
 Foster, Katherine D.  
 Hunt, John B.  
 LaMar, David M.  
 Morse, Jo Ann T.  
 Pratt, Irene A.  
 Spear, Susan S.

Clark, Eugene W.  
 DePecol, Benjamin J.  
 Grodin, Richard A.  
 Kennison, Wayne A.  
 Lynch, Margaret A.  
 Pearson, Gertrude B.  
 Riley, William A.

**COOS**

Buckley, C. Fitzgerald  
 Kilbride, Dennis J.  
 Pratt, Leighton C.

Hawkinson, Marie C.  
 Merrill, Gerald P.

Horton, Lynn C.  
 Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
 Brown, Patricia B.  
 Copenhaver, Marion L.  
 LaMott, Paul I.  
 Nordgren, Sharon L.  
 Teschner, Douglass P.  
 Whitcomb, Henry F., Jr.

Arnesen, Deborah L.  
 Chambers, Mary P.  
 Guest, Robert H.  
 Larson, Nils H., Jr.  
 Scanlan, David M.  
 Wadsworth, Karen O.

Bean, Pamela B.  
 Christy, C. Dana  
 Hill, Richard L.  
 McIlwaine, Deborah P.  
 Stewart, Roger D.  
 Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Baldizar, Barbara J.  
 Burke, Stephen J.  
 Cote, David E.  
 Drolet, Paul L.  
 Dyer, Merton S.  
 Ferguson, Charles  
 Gage, Ruth E.  
 Gureckis, Adam C., Sr.  
 Healy, Walter F.  
 Kelley, Dana F.  
 Lown, Elizabeth D.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Stiles, Walter A.  
 White, John M.

Alukonis, David J.  
 Baroody, Benjamin C.  
 Calawa, Leon, Jr.  
 Cowenhoven, Garret P.  
 Durham, Susan B.  
 Emerton, Lawrence A.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Haettenschwiller, Alphonse  
 Jasper, Shawn N.  
 Kurk, Neal M.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Pignatelli, Debora B.  
 Smith, Leonard A.  
 Tarpley, Nancy L.

Andrews, Frederick B.  
 Buckley, Raymond  
 Clemons, Jane A.  
 Desrosiers, William J.  
 Dwyer, Patricia R.  
 Fenton, James J.  
 Ford, Nancy M.  
 Green, Scott E.  
 Hanselman, Gregory L.  
 Jordan, Mary H.  
 Lachut, Ervin R.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Soucy, Donna M.  
 Upton, Barbara A.

**MERRIMACK**

Apple, Lowell D.  
 Dunn, Miriam D.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Kidder, William F.  
 Millard, Elizabeth S.

Boucher, Laurent J.  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Jacobson, Alf E.  
 Lewis, Mary Ann  
 Molner, Mary E.

Braiterman, Thea  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Nichols, Avis B.



Smith, Gerald R.  
Teague, Bert  
Weeks, John F., Jr.

Soldati, Jennifer G.  
Trombly, Rick A.  
Yeaton, Charles B.

Stio, Peter M.  
Wallner, Mary Jane

### ROCKINGHAM

Campbell, Marilyn R.  
Cote, Patricia L.  
Flanders, Harry E.  
Greene, Elizabeth A.  
Hoar, John, Jr.  
Klemm, Arthur P., Jr.  
Magoon, Harold F.  
Packard, Sherman A.  
Schanda, Joseph, Sr.  
Seward, Russell G.  
Syracusa, Anthony  
Vaughn, Charles L.

Caswell, Albert, Jr.  
DiPietro, Carmela M.  
Flanders, John W., Sr.  
Griebsch, Linda  
Hutchinson, Karen K.  
Lovejoy, Virginia K.  
McCain, William F.  
Pantelakos, Laura C.  
Schmidtchen, Rowland H.  
Skinner, Patricia M.  
Terninko, Margaret B.  
Weyler, Kenneth L.

Clark, Martha Fuller  
Dowling, Patricia A.  
Ford, Bert H.  
Haynes, Richard  
Kane, Cecelia D.  
MacKinnon, Nancy W.  
McGovern, Cynthia A.  
Rosencrantz, James R.  
Senter, Marilyn P.  
Splaine, John E., Sr.  
Tufts, Arthur  
Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Gilmore, Gary R.  
Keans, Sandra B.  
McCann, William H., Jr.  
O'Brien, John  
Spencer, Leo J.  
Vincent, Francis C.

Brown, Julie M.  
Flynn, Edward J.  
Hashem, Elaine M.  
Kinney, Paula J.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Wheeler, Katherine W.

Corte, Arthur B.  
Foss, Patricia H.  
Jankowski, Peter M.  
Martling, W. Kent  
Nehring, William H.  
Parks, Joe B.  
Torr, Ann M.

### SULLIVAN

Allison, David C.  
Lindblade, Eric N.  
Stamatakis, Carol M.

Harland, Jane A.  
Rodeschin, Beverly T.  
Tetu, Michael A.

Krueger, Richard H.  
Schotanus, Merle W.  
Walsh, Robert R.

### NAYS 130

### BELKNAP

Accornero, Harry  
Turner, Robert H.

Dewhirst, Glenn E.  
Ziegra, Alice S.

Holbrook, Robert G.

### CARROLL

Beach, Mildred A.  
Foster, Robert W.

Daly, Robert J., Jr.  
Jean, Robert R.

Dodge, A. Gibb, Jr.  
Saunders, Howard N.

### CHESHIRE

Laurent, John J.

### COOS

Brungot, Catherine V.  
Oliver, Terry D.

Coulombe, Henry W.  
Theriault, Romeo J.

Guay, Lawrence J.

### GRAFTON

Dow, David  
Nielsen, Niels F., Jr.  
White, Paul R.

Driscoll, William J.  
Shackett, Ralph E.

Lougee, Richard W.  
Trelfa, Richard T.

**HILLSBOROUGH**

Amidon, Eleanor H.  
 Bourque, Ann J.  
 Cook, Valerie S.  
 Desrochers, Gerard T.  
 Donovan, Francis X.  
 Fields, Dennis H.  
 Goulet, Maurice E.  
 Holden, Carol H.  
 Keane, Cornelius J.  
 L'Heureux, Robert J.  
 Lawrence, Eva M.  
 Lefebvre, Roland J.  
 McNerney, Daniel P.  
 Pepino, Leo P.  
 Riley, Frances L.  
 Tate, Joan C.  
 Wheeler, David K.

Arnold, Barbara E.  
 Bowers, Dorothy C.  
 Crotty, Edward J.  
 Dodge, Emma M.  
 Drabinowicz, A. Theresa  
 Gagnon, Gabrielle V.  
 Greenglass, Alan B.  
 Hultgren, David D.  
 Kelley, Robert N.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 Martin, Mary Ellen  
 Nardi, Theodora P.  
 Perham, Lester R.  
 Rothhaus, Finlay C.  
 Turgeon, Roland M.  
 Wheeler, Robert L.

Baker, George H., Sr.  
 Chasse, Richard D.  
 Daniels, Gary L.  
 Domaingue, Jacquelyn M.  
 Elliott, Larry G.  
 Gosselin, Gerald O.  
 Healy, Daniel J.  
 Johnson, Lionel W.  
 King, Frank P.  
 Laughlin, J. Francis  
 Leclerc, Charles J.  
 McDowell, James E.  
 Paquette, Rodolphe G.  
 Reidy, Frank J.  
 Searles, Stanley N., Sr.  
 Vanderlosk, Stanley R.  
 Wright, George W.

**MERRIMACK**

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Daneault, Gabriel J.  
 Holmes, Mary C.  
 Whittemore, James A.

Barberia, Richard A.  
 Chandler, John P.  
 Fillion, Paul R.  
 Letourneau, George E.

Carter, Susan D.  
 Christie, Thomas J.  
 Hayes, Robert C.  
 Stapleton, Henry F.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Brown, Jeffrey M.  
 Coffey, John J.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Hynes, Carolyn E.  
 Keith, Brenda E.  
 McCarthy, John J., Jr.  
 Palazzo, Frank J.  
 Smith, Arthur W.  
 Thayer, Leroy C.

Benton, Richardson D.  
 Bucu, Stephen W.  
 Conroy, Janet M.  
 Dube, LeRoy S.  
 Flanagan, Natalie S.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Sytek, Donna P.  
 Warburton, Calvin

Boucher, William P.  
 Christie, Andrew, Jr.  
 Cooke, Annette M.  
 Falwell, Robert V.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Roulston, Donald L.  
 Sytek, John J.  
 Welch, David A.

**STRAFFORD**

Frechette, Roland A.

Kincaid, William K.

Tsiros, William

**SULLIVAN**

Behrens, Thomas A.  
 Flint, Gordon B.

Burling, Peter Hoe  
 Middleton, John A.

Domini, Irene C.  
 Peyron, Fredrik

and the report was adopted.

Ordered to third reading.

Rep. Peter Hoe Burling notified the Clerk that he inadvertently voted nay and intended to vote yea.

Rep. William Desrosiers notified the Clerk that he inadvertently voted yea and intended to vote nay.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

### SPECIAL ORDERS

Rep. Gross moved that HB 298, lowering the level from .10 to .08 for legal intoxication under the DWI laws, be made a Special Order for March 20, 1991 at 10:50 a.m., and that HB 350, relative to negligent homicide, be made a Special Order for March 20, 1991 at 11:00 a.m.

Adopted.

Rep. Daniel Healy moved that HB 485, relative to living wills, be made a Special Order for March 20, 1991 at 11:10 a.m.

Adopted.

### REGULAR CALENDAR (continued)

**HB 530-FN**, relative to marital arbitration. OUGHT TO PASS WITH AMENDMENT.

House Bill 530 came to the House from the Family Law Task Force as a bill to clarify and make more accessible arbitration in marital matters. The Committee approved a few needed amendments, and discussed the importance of this arbitration provision at length. The Committee continues to work on other alternative dispute ideas, including a marital commission and mediation. Vote 13-1. Rep. Peter Hoe Burling for Judiciary.

### Amendment

Amend RSA 542:11, VII as inserted by section 1 of the bill by replacing it with the following:

VII. RSA 542:1, relative to validity of arbitration agreements, shall apply to this section when such agreements have been approved by the superior court.

Amend RSA 542:11 as inserted by section 1 of the bill by inserting after paragraph IX the following new paragraphs:

X. Any arbitration under this section may be terminated by the written agreement of all parties or at the written request of the arbitrator, in which case the matter shall be returned to the superior court.

XI. Unless inconsistent with this section, all provisions of law relative to domestic relations shall apply to a proceeding under this section.

XII. Nothing in this section shall restrict the court from enforcing existing orders, or granting and enforcing emergency orders.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Rep. Jacobson spoke against the Committee report.

Rep. Burling spoke in favor

Report adopted.

Ordered to third reading.

**HB 627-FN**, relative to the treatment of repeat DWI offenders. OUGHT TO PASS WITH AMENDMENT.

This bill provides that license restoration at the end of the period of license revocation for repeated DWI offenses shall not occur until the person has successfully completed a minimum 7-day impaired driver intervention program. The amendment

would provide for court action for persons failing to reimburse the state for the cost of the program. Vote 11-3. Rep. C. William Johnson for Judiciary.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

I Impaired Driver Intervention Programs. Amend RSA 172-B:2-a to read as follows:

172-B:2-a Impaired Driver Intervention Programs.

I. [The] *Except as provided in paragraph II, the* director shall be responsible[, except as provided in paragraph II.] for approving the impaired driver intervention programs *and programs equivalent to the multiple DWI offender intervention detention center program (M.O.P.)*, which persons convicted under RSA 265:82 or [82-a] *RSA 265:82-a or persons subject to the provisions of RSA 265:82-b, VI(a)* shall attend in order to regain their driver's licenses or driving privileges[: but the]. *The* director shall not approve any impaired driver intervention program unless such program is conducted without cost to the state. Notwithstanding RSA 6:12, any fees collected under subparagraph III(c) of this section shall be placed in a nonlapsing revolving account and shall be used by the director for the purposes of this chapter only.

II. The director jointly with the commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to *the* impaired driver intervention programs *and those programs equivalent to the M.O.P. as required in RSA 265:82-b, VI(b)* with respect to:

(a) Procedures and forms to be followed in order for drivers who have completed such programs to regain their licenses or driving privileges.

(b) Place of business.

(c) Records and reports.

(d) Schedule of fees and charges.

(e) Such other matters as the director and the commissioner of safety may prescribe for the protection of the public.

III. The director shall adopt rules, pursuant to RSA 541-A, relative to the operation of [impaired driver intervention] *alcohol education* programs with respect to:

(a) Course content and standards of instruction.

(b) Certification of instructors.

(c) A fee not to exceed \$15 per client to be paid by program providers to cover the costs of monitoring course content, establishing and maintaining standards of instruction, data collection, and administrative support.

(d) Any other matter related to the proper administration of this section.

2 Impaired Driver Intervention Program. Amend RSA 263:65-a to read as follows:  
263:65-a Attendance at Impaired Driver Intervention Program Required.

I. The director shall not restore the license or driving privilege of any person whose license or privilege has been revoked or suspended pursuant to RSA 265:82, *RSA 265:82-a*, or [265:82-a] *RSA 265:82-b* until such person has furnished proof of successful completion of an [impaired driver] *alcohol* education program which is:

(a) Approved by the director of the office of alcohol and drug abuse prevention and the commissioner pursuant to RSA 172-B:2-a *and RSA 172-B:2-b*; or

(b) Approved by the court, in the case of a person who is not a resident of this state.



II. For the purposes of this section, "successful completion" means meeting further counseling requirements, if any, arising out of the final evaluation given to the offender at the [impaired driver intervention program] *I.D.I.P. or the M.O.P. or its equivalent*. In no event shall such additional counseling requirements extend in duration beyond 6 months from the date of such final evaluation *or for the period of the license, driving privilege revocation or suspension period, whichever is later*, without first giving the offender the right to a hearing before the commissioner to determine whether he is eligible for license restoration.

*III. Successful completion shall also include payment of all assessed I.D.I.P., M.O.P., and equivalent program fees. Failure of the offender to make full payment of the assessed fee shall also result in petition for contempt of court charges against the offender.*

3 New Paragraph; Mandatory Treatment; License Restoration. Amend RSA 265:82-b by inserting after paragraph V the following new paragraph:

VI. Immediately following a person's conviction for any offense under RSA 265:82 the director of motor vehicles shall examine the person's motor vehicle record.

(a) If the person has had a prior driving while intoxicated conviction under RSA 265:82 within the preceding 7 years but is not subject to the provisions of RSA 265:82-b, I(b)(1), and has never successfully completed an impaired driver intervention program established pursuant to RSA 172-B:2-a, the person's license or privilege to drive shall not be restored until the offender has successfully completed said impaired driver intervention program.

(b) If such person has, as a result of a previous conviction, completed said program or the person has been convicted under RSA 265:82-a, the person's license or privilege to drive shall not be restored until the offender has successfully completed a 7-day program at the state operated multiple DWI offender detention center or an equivalent program approved by the director of the office of alcohol and drug abuse prevention at the person's own expense.

(c) For the purpose of approving programs equivalent to the state operated multiple DWI offender detention center, the director of the office of alcohol and drug abuse prevention shall adopt rules, pursuant to RSA 541-A relative to those matters addressed under RSA 172-B:2-a, II and III, except that programs approved under this paragraph shall be no less than 50 hours in duration.

4 Effective Date. This act shall take effect January 1, 1992.

Adopted.

Report adopted.

Ordered to third reading.

**HB 771-FN**, relative to consecutive sentencing in county correctional facilities. OUGHT TO PASS WITH AMENDMENT.

This bill sets limits on how often a prisoner may petition for suspended sentence after the sentence has begun; and how soon a parolee whose parole has been revoked may become eligible for re-parole. The amendment deletes two sections dealing with consecutive sentences, which will be considered in connection with another re-referred bill, and makes technical corrections. Vote 14-0. Rep. Richard H. Campbell, Jr. for Judiciary.

**Amendment**

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to sentencing and parole.

Amend the bill by deleting sections 1 and 2 and renumbering sections 3-7 to read as 1-5, respectively.

Amend the bill by replacing section 1 with the following:

1 Petition for Suspended Sentence. Amend RSA 651:20 to read as follows:

651:20 Incarceration Under Suspended Sentence. Notwithstanding any other provisions of law, the sentence to imprisonment of any person may be suspended, at the time of sentence unless otherwise ordered by the court, or at any time while any part of the sentence remains unserved, but a petition to suspend sentence may not be brought less than [2] 3 years after commencement of said sentence nor more frequently than every [2] 4 years thereafter. However, a petition to suspend the sentence of a state prison inmate may be brought at any time upon the recommendation of the commissioner, department of corrections, or designee. A person whose sentence has been suspended may be required to report to the institution to which he has been sentenced to be incarcerated during weekends or at such times or intervals of time as the court may direct, except that weekend sentence provisions do not apply to the New Hampshire state prison. Time so spent in said institution shall be deducted from the maximum term, and where there are both a minimum and maximum term, from both. Any part of a day spent in the institution shall count as a full day toward the sentence.

Amend RSA 651-A:18, V as inserted by section 4 of the bill by replacing it with the following:

V. Prisoners whose parole is revoked under this section and who have been paroled from a sentence for violating any of the following statutes, shall not be eligible for reparole for a period of at least 6 months: RSA 630:1-b, second degree murder; RSA 630:2, manslaughter; RSA 631:1, first degree assault; RSA 631:2, second degree assault; RSA 632-A:2, aggravated felonious sexual assault; RSA 632-A:3, felonious sexual assault; RSA 633:1, kidnapping; RSA 634:1, arson; RSA 635:1, burglary; RSA 636:1, robbery; RSA 642:9, assaults by prisoners; RSA 651-A:7, 8 or 9, when the crime was psychosexual murder as defined in RSA 651-A:10; RSA 318-B:26, I and II, penalties; and RSA 159:3, convicted felons.

**AMENDED ANALYSIS**

The bill changes certain provisions regarding computation of terms of parole and application for reparole after revocation of parole.

Adopted.

Report adopted.

Ordered to third reading.

**CACR II**, relating to jury trials in civil cases. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of a number of persons to be determined by the legislature.  
**OUGHT TO PASS WITH AMENDMENT.**

The amendment is the resolution which proposes a constitutional amendment for a six-man jury in misdemeanor cases. Also, in civil cases, a six-man jury will be possible. A majority of states now have some form of six-man juries. If adopted, the court system has the prospect of saving thousands of dollars in jury expenditures. Vote 14-0. Rep. Alf E. Jacobson for Judiciary.

### Amendment

Amend the title of the resolution by replacing it with the following:

RELATING TO: jury trials.

PROVIDING THAT: a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons.

Amend Art. 16 as inserted by paragraph I of the resolution by replacing it with the following:

[Art.] 16th. [Former Jeopardy; Jury Trial in Criminal Cases.] No subject shall be liable to be tried, after an acquittal, for the same crime or offense. The legislature shall not make any law that shall subject any person to a capital punishment, (excepting for the government of the army and navy, and the militia in actual service) or to imprisonment for more than one year without trial by a jury *of 12 persons*. *No person shall be subjected to imprisonment for one year or less without a trial by a jury of 6 persons.*

Amend Art. 20 as inserted by paragraph II of the resolution by replacing it with the following:

[Art.] 20th. [Jury Trial in Civil Causes.] In all controversies concerning property, and in all suits between 2 or more persons except those in which another practice is and has been customary and except those in which the value in controversy does not exceed \$1,500 and no title to real estate is involved, the parties have a right to a trial by *a jury of 6 persons*. This method of procedure shall be held sacred, unless, in cases arising on the high seas and in cases relating to mariners' wages, the legislature shall think it necessary to alter it.

Amend Art. 77 as inserted by paragraph III of the resolution by replacing it with the following:

[Art.] 77. [Jurisdiction of Justices in Civil Causes.] The general court are empowered to give to justices of the peace jurisdiction in civil causes, when the damages demanded shall not exceed [one hundred dollars] *\$100* and title of real estate is not concerned; but with right of appeal, to either party, to some other court. And the general court are further empowered to give to police courts original jurisdiction to try and determine, subject to right of appeal and trial by a jury *of 6 persons*, all criminal causes wherein the punishment is less than imprisonment in the state prison.

Amend the resolution by replacing paragraph VI with the following:

VI. That the wording of the question put to the qualified voters shall be: Are you in favor of amending the constitution to provide that 12-person juries shall be required in capital cases and in cases in which imprisonment may exceed one year; but that, in civil cases and in cases in which imprisonment may be one year or less, a 6-person jury shall be required?

### AMENDED ANALYSIS

This constitutional amendment-concurrent resolution requires a 6-person jury in civil cases and in non-capital criminal cases when imprisonment may be less than one year.

Rep. Murphy spoke in favor.

Adopted.

On a division vote, 301 members having voted in the affirmative and 32 in the negative, CACR 11 was adopted by the constitutionally required three-fifths.

Rep. Gross moved that CACR 12, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court, be read a third time and passed.

On a division vote 331 members having voted in the affirmative and 2 in the negative, CACR 12 was passed by the Constitutionally required three-fifths.

#### **Third reading and final passage**

**CACR 12**, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.

Rep. Gross moved that CACR 11, relative to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons, be read a third time and passed.

On a division vote 318 members having voted in the affirmative and 18 in the negative, CACR 11 was passed by the constitutionally required three-fifths.

#### **Third reading and final passage**

**CACR 11**, relative to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons.

### **RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at 10:00 a.m. on Wednesday, March 20, 1991.

Adopted.

### **LATE SESSION**

#### **Third reading and final passage**

**HB 169-FN**, relative to the disposition of revenues collected under the land use change tax.

**HB 305-FN**, relative to the meaning of the term "charitable" for purposes of real estate tax exemptions.

**HB 386**, relative to a representative town meeting form of government.

**HB 391**, to permit the adoption of impact fees as part of a zoning ordinance.

**HB 561**, enabling towns to limit reconsideration of town meeting votes.

**HB 396**, relative to filing reports in court proceedings involving children.

**HB 406**, relative to modification of support orders.

**HB 461-FN**, relative to notice for out of district placement by the court.

**HB 567**, relative to step-parent's visitation rights.

**HB 283-FN**, establishing a study committee on the problems of New Hampshire banks and financial institutions.

**HB 307-FN**, establishing a committee to review New Hampshire's bankruptcy laws.



**HB 311**, confirming an exemption from registration for securities listed on the National Association of Securities Dealers Automated Quotation National Market System.

**HB 413-FN**, relative to penalties for insurance laws violations.

**HB 441**, relative to the uniform limited offering exemption from securities registration and filing requirements.

**HB 475-FN**, relative to appointment of banking department assistants, and to the performance of contract services by the banking department, and to assessing the costs of bank examinations.

**HB 572**, relative to exclusions in automobile insurance.

**HB 692-FN**, relative to reinsurance intermediaries.

**HB 398**, relative to determining qualifications of applicants to vote.

**HB 548**, relative to the information required on checklists.

**HB 621-FN**, relative to voting by absentee ballot.

**HB 673-FN**, reinstating the charter of Capital Leasing Company, Inc. and of Hagen and Spiegali, Inc.

**HB 754-FN**, relative to the duties of the secretary of state, the election laws, and certain miscellaneous statutes.

**HB 542**, relative to the time frame for submitting school district meeting warrant articles and the number of petitioners necessary to submit a warrant article.

**HB 276-FN**, relative to the task force establishing voluntary agreements reducing and recycling the solid waste stream and the duties of the commissioner of environmental services.

**HB 442-FN**, authorizing the commissioner of agriculture to establish minimum price rates for small producers.

**HB 447**, relative to bulk commodities.

**HB 509**, clarifying the definition of public benefit relative to permitting solid waste facilities.

**HB 604**, granting rulemaking authority to the division of waste management relative to special waste and defining special waste.

**HB 733-FN**, establishing a study committee to study public assistance.

**HB 208-FN**, relative to annulments of criminal records.

**HB 482-FN**, relative to temporary guardianships.

**HB 607**, permitting actions for damages resulting from violations of workers' compensation laws by bidders on construction contracts.

**HB 603-FN**, to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts.

**HJR 3**, requesting the university cooperative extension service to continue to work with the governor's commission on the 21st century.

**HB 340**, relative to compliance with enabling legislation.

**HB 348**, relative to the municipal records board.

**HB 375-FN**, authorizing towns to accept donations of property.

**HB 385**, relative to administrative inspection warrants, town trust funds, and planning board decisions.

**HB 429**, relative to the salaries of county attorneys.

**HB 434**, relative to the procedure for planning boards to revoke approval of recorded plats.

**HB 492-FN**, relative to conservation restriction assessments.

**HB 513-FN**, relative to the eminent domain procedure act and unpaid taxes.

**HB 514-FN**, relative to special town meetings.

**HB 516**, relative to library trustees' authority to accept gifts.

**HB 519-FN**, relative to municipal budget matters and the timber tax.

**HB 523-FN**, relative to local cease and desist orders for zoning, planning and code violations.

**HB 547-FN**, relative to the date for the application of the optional veterans' exemption and the optional exemption for the surviving spouses of veterans in certain towns.

**HB 551**, relative to the distribution of taxes from towns to village districts.

**HB 577**, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board.

**HB 595-FN**, relative to citations for building code and land use violations.

**HB 625-FN**, relative to hearings on tax abatements for property taxes.

**HB 633-FN**, to clarify the handling of administrative fees required by local land use boards, relative to elected planning board members, and relative to the definition of "mayor" for planning and zoning purposes.

**HB 652-FN**, relative to the duties of the board of tax and land appeals and the department of revenue administration.

**HB 680-FN**, relative to manufactured housing on the land of another.

**HB 751-FN**, concerning the procedure for local enforcement of certain state environmental laws.

**HB 173-FN**, establishing a committee to study certain provisions of RSA 154 relative to powers and duties of firewards.

**HB 282-FN**, relative to the BOCA Basic Building Code and the Life Safety Code.

**HB 465**, relative to a veterans cemetery at the Pease Air Force facilities under the Pease development authority.

**HB 583-FN**, relative to carrying pistols and revolvers.

**HB 553-FN**, relative to the Bridge Street Bridge over Storrs Street in the city of Concord.

**HB 723-FN**, relative to Concord - state cooperation.

**HB 390**, relative to technical corrections in the liquor laws.

**HJR 1**, concerning the settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine.

**HJR 4**, relative to providing access to Flat Mountain Pond for members of the public.

**HB 517-FN**, relative to watercraft safety.

**HB 717-FN**, permitting the designation by a vehicle owner of a vehicle's recipient upon the owner's death.

**HB 579**, relative to municipal charters.

**HCR 9**, relative to universal access to health care.

**HB 624-FN**, relative to removing candidates' signs after an election.

**HB 743-FN**, relative to listing representatives to the general court on the ballot.

**HB 304**, relative to escrow of funds raised through sale of certain types of securities and to certain conditions for sale of securities.

**HB 571-FN**, relative to multiple-employer welfare arrangements.

**HB 574-FN**, relative to managing general agents.

**HB 575**, relative to liquidation and rehabilitation of insurance companies.

**HB 576-FN**, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers.

- HB 580**, relative to insurance rebates and automobile financing.
- HB 658-FN**, relative to uninsured or hit-and-run motor vehicle coverage.
- HB 702**, relative to designated smoking sections in certain buildings and offices.
- HB 704**, relative to liquidation under the supervision of the bank commissioner.
- HB 752-FN**, prohibiting merchants from requiring the recording of a credit card number or expiration date as a condition for check cashing or acceptance.
- HB 767-FN**, relative to access to group health insurance policies.
- HB 462**, relative to special education hearing officers.
- HB 463**, relative to rulemaking for the board of education.
- HB 563-FN**, relative to the creation of trust funds and relative to unanticipated school funds.
- HB 655-FN**, relative to statistical reports.
- HB 691-FN**, relative to licensing and certification of real estate appraisers and licensing private detectives.
- HB 757-FN**, repealing the law relative to employment offices.
- HB 710-FN**, relative to the regulation of tree stands, observation blinds, and pit blinds.
- HB 451-FN**, relative to licensing of residential care and health facilities.
- HB 613-FN**, relative to the procedures of the certificate of need board.
- HB 269**, granting probate judges greater discretion to require bonds from executors and trustees and relative to probate court scheduling.
- HB 445-FN**, defining "compact parts" of towns and cities with regard to criminal charges for unauthorized use of firearms and firecrackers.
- HB 455**, relative to determination of amount of alimony awards.
- HB 635-FN**, authorizing the house judiciary committee to study misdemeanors and misdemeanor sentencing.
- HB 661-FN**, allowing annulments of criminal records of persons who served a term of imprisonment.
- HB 701-FN**, relative to protecting personal privacy.
- HB 756-FN**, relative to a victims' bill of rights.
- HB 270-FN**, relative to filling and dredging in wetlands.
- HB 496-FN**, relative to administrative fines for marine pollution.
- HB 565-FN**, relative to marine oil spill response, oil spillage in surface waters or groundwaters and underground storage tanks.
- HB 736-FN**, relative to energy facility siting, licensing and operation.
- HB 750-FN**, establishing a committee to study the development of a waste tire management program.
- HB 753-FN**, redefining compost and encouraging state agencies to utilize New Hampshire-produced compost when appropriate.
- HR 14**, urging bottlers within the state of New Hampshire to use ecology glass.
- HB 52**, relative to group health insurance participation by members of the general court.
- HB 127**, establishing Civil Rights Day and abolishing Fast Day.
- HB 610-FN**, establishing a committee to study how the department of administrative services may efficiently collect the fines and fees imposed by the state.
- HB 667-FN**, relative to clean-up of health nuisances.
- HCR 11**, relative to abortion drug RU486.
- HB 530-FN**, relative to marital arbitration.
- HB 627-FN**, relative to the treatment of repeat DWI offenders.

**HB 771-FN**, relative to sentencing and parole.

Rep. Gross moved that the House adjourn.

Adopted.

The House adjourned at 5:50 p.m.



**HOUSE JOURNAL No. 13**

Wednesday, March 20, 1991

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairisto.

Gracious God, who give us life and sustains us throughout our days, we offer our praise and thanks for all that we receive from Your hand. Help us to feel Your presence among us, and so inspire and guide us that even in the most difficult of choices we may discern and do what is right and proper and honorable in Your sight. Be with each member now in the business at hand. Amen.

Rep. C. Dana Christy led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Hurst, Parr, Swope, Romeo Jean, Feuerstein, Ackerman, Martling, Pantelakos, Hickey, Simon, Lozeau, Whitcomb, Holmes and Patricia Cote, the day, illness.

Reps. Musler, Drake, John Young, Wall, Donald Messier, Markley, David Young (military service), Senter William McCann, Valerie Cook and Ralph Torr, the day, important business.

Rep. Bernard, the day, death in the family.

Reps. Golden and Hambrick, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Edith Baroody and Sue McMuster, mother and daughter of Rep. Baroody. Sarah Robinson, daughter of Rep. Robinson.

**SENATE MESSAGE****ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE**

HB 593, relative to the rate of the business profits tax.

The President appointed Sens. Colantuono, Russman and Hollingworth.

**SPECIAL ORDERS**

**HB 433**, establishing a developmentally delayed category. **OUGHT TO PASS WITH AMENDMENT.**

The addition of "developmentally delayed" as a new and distinct category under which handicapped preschool children will be coded will not increase the population of children served because any child so labeled must be able to be classified under one of the existing categories in the law. It will, however, make for more accurate reporting and more effective communication with parents, and give districts more flexibility in designing appropriate programs. Vote 16-2. Rep. Susan D. Carter for Education.

**Amendment**

Amend RSA 186-C:2, I-a as inserted by section 1 of the bill by replacing it with the following:

1 New Paragraph; Definition; Developmentally Delayed Child. Amend RSA 186-C:2, by inserting after paragraph I, the following new paragraph:

I-a. "Developmentally delayed child" means a preschool child between 3 and 5 years of age, who, because of impairments in development needs special education or special education and educationally related services, may be identified as being developmentally delayed provided that such a child could be determined to have an educationally handicapping condition as defined in RSA 186-C:2, I.

2 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Rep. Kurk offered a floor amendment.

#### **Floor Amendment**

Amend RSA 186-C:2, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. "Developmentally delayed child" means a preschool child between 3 and 5 years of age, who, because of impairments in development needs special education or special education and educationally related services, may be identified as being developmentally delayed provided that such a child must first be determined to have an educationally handicapping condition as defined in RSA 186-C:2, I.

Rep. Kurk spoke in favor.

Rep. Carter spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

#### **SPECIAL ORDER**

**HB 615**, relative to sand and gravel.

Rep. Bradley moved that HB 615 be made a special order after HB 742 and spoke in favor.

Adopted.

**HB 742-FN**, relative to excavation. **OUGHT TO PASS.**

The Committee strongly recommends passage of this bill in order to insure sand and gravel excavations be performed in an environmentally acceptable manner, at the same time allowing for local control and balancing the interests of sand and gravel operators. Vote 16-0. Rep. Jeb E. Bradley for Environment and Agriculture.

Rep. Bradley offered a floor amendment.

#### **Floor Amendment**

Amend the bill by replacing all after the enacting clause with the following:

##### **I Findings and Purpose.**

I. The general court finds that extensive amendments to RSA 155-E were enacted in 1989, the express purpose of which were to enhance the availability of construction material for the benefit of the citizens and taxpayers of the state of New Hampshire. In the intervening period since the 1989 enactment took effect, various technical problems and unintended policy consequences have resulted in costly litigation and other negative impacts on local communities and residents.

II. The purpose of this act is to grant municipalities the authority to cope with the recognized safety hazards which open excavations create; to safeguard the public health and welfare; to preserve our natural assets of soil, water, forests and wildlife; to maintain aesthetic features of our environment; to prevent land and water pollution; and to promote soil stabilization.

2 Excavation Adherence to Bylaws. Amend RSA 31:41-b to read as follows:

31:41-b Hazardous Embankments. Towns shall have the power to make bylaws regulating hazardous embankments, including the removal, stabilization, or fencing thereof, for the protection of the health and safety of the public. Whoever violates any such bylaw shall be guilty of a violation for each offense and the penalty therefor shall

inure to such uses as the town may direct. Regulation of "excavation" as defined in RSA 155-E:1, II shall be in accordance with RSA 155-E, *but any hazardous embankment resulting from excavation, whether undertaken prior to, on, or after August 4, 1989, shall be subject to bylaws made under the authority of this section.*

3 New Paragraph; Excavation Area Defined. Amend RSA 155-E:1 by inserting after paragraph V the following new paragraph:

VI. "Excavation Area" means the area within an excavation site where excavation has occurred or is eligible to occur under the provisions of this chapter.

4 Existing Excavations; Regulation. Amend the introductory paragraph of RSA 155-E:2, I to read as follows:

I. Existing Excavations. The owner of an excavation which lawfully existed [and was in use on or before] *as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful has been removed during the 2-year period before August 24, 1979, and which has not been subsequently permitted*, may continue such existing excavation on the excavation site without a permit, subject to the following:

5 Existing Excavations; Change from Site to Area. Amend RSA 155-E:2, I(d) to read as follows:

(d) The owners or operators of any existing excavation [site] *area* for which no permit has been obtained under this chapter shall file a report with the local regulator within one year after receiving written notice of this requirement from the regulator and in no case later than 2 years following the effective date of this subparagraph. The report shall include:

6 Local Excavation Regulatory Authority; Change from Site to Area. Amend RSA 155-E:2, I(b) to read as follows:

(b) Such an excavation [site] *area* may not be expanded, without a permit under this chapter, beyond the limits of the town in which it is situated and the area which, on August 24, 1979, and at all times subsequent thereto has been contiguous to and in common ownership with the excavation site of that date, and has been appraised and inventoried for property tax purposes as part of the same tract as the excavation site as of that date, as modified by the limitations of RSA 155-E:4-a, I [and], II, *and II-a*. In this paragraph the term "contiguous" means land whose [parameter] *perimeter* can be circumscribed without interruption in common ownership except for roads or other easements, in a single town. It is further provided that when such excavation is not allowed *in that location* by local zoning or similar ordinances in effect on [the effective date of this section regulating the location of the excavation site] *August 4, 1989, or when such ordinances allow such excavation only by special exception*, expansion may be restricted or modified with conditions by order of the [planning board] *regulator* if after notice to the owner and a hearing, the [board] *regulator* finds that such expansion will have a substantially different and adverse impact on the neighborhood.

7 Abandoned Excavations; Amount of Material Removed; Approved Timetable for Reclamation; Currency of Excavation Site; Public Health or Safety Hazard. Amend RSA 155-E:2, II(a) and (b) to read as follows:

(a) For purposes of this section, any excavation, whether subject to a permit under this chapter or not, for which the affected area has not yet been brought into complete compliance with the reclamation standards of RSA 155-E:5 shall be deemed "abandoned" if [excavation occurred on the site any time subsequent to August 24, 1979, and];

(1) No earth material *of sufficient weight or volume to be commercially useful* has been removed from that excavation site during any [3] 2-year period, either before, *on*, or after [the effective date of this section] *August 4, 1989*; provided, however, that before the end of such [3] 2-year period, the owner or operator may extend the period by submitting to the regulator a *reclamation* timetable [for reclamation] *to be approved by the regulator*, and posting a bond or other security with the municipal treasurer in a form and amount prescribed by the regulator, sufficient to secure the reclamation of the entire *excavation* site in accordance with the standards of RSA 155-E:5; or

(2) The excavation is [still] in use, but [the owner or operator of the excavation has not, within 3 years of the effective date of this section, either brought the area affected by the excavation into compliance] *does not conform* with the incremental reclamation requirement of RSA 155-E:5-a, or *the owner or operator has not* posted a bond or other security[,] *and submitted a reclamation timetable to be approved by the regulator* as described in subparagraph [(1)] *(a)(1)*; or

(3) The owner or operator of the excavation has neither secured a permit pursuant to this chapter nor filed a report of an existing excavation pursuant to subparagraph I(d) within the prescribed period.

(b) In addition to the enforcement remedies of RSA 155-E:10, the regulator may order the owner of any land upon which an abandoned excavation is located to either file a reclamation timetable, *to be approved by the regulator*, and bond or other security as described in subparagraph I(a) *II(a)(1)*, or to complete reclamation in accordance with this chapter within a stated reasonable time. Such an order shall only be made following a hearing for which notice has been given in accordance with RSA 155-E:7, if the regulator finds that the public health, safety, or welfare requires such reclamation. If the owner fails to complete reclamation within the time prescribed in the order, the regulator may request the governing body to cause reclamation to be completed at the expense of the municipality. The municipality's costs shall constitute an assessment against the owner, and shall create a lien against the real estate on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

(c) *The site of an excavation which ceased commercially useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the reclamation standards of RSA 155-E:5, may be made subject to the remedy prescribed in RSA 155-E:2, II(b) only if the regulator finds in writing that specified reclamation measures are necessary to eliminate or mitigate an identified hazard to public health or safety.*

8 Stationary Manufacturing Plants; Compliance with Standards. Amend RSA 155-E:2, III to read as follows:

### III. Stationary Manufacturing Plants.

(a) No permit shall be required under this chapter for excavation from [an area] *a site* which on [the effective date of this section is] *August 4, 1989, was* contiguous to or [is] *was* contiguous land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979, and which use earth obtained from such [areas] *site*. Such excavation shall be performed in compliance with the operational standards [of] *as expressly set forth in* RSA 155-E:4-a and the reclamation standards [of] *as expressly set forth in* RSA 155-E:5 and 155-E:5-a, *which express standards shall be the sole standards with which such excavations must comply in order to retain their non-permit status as provided under this para-*



*graph. Such excavation* [and] may be expanded without a permit under this chapter to any contiguous lands which [are] *were* in common ownership with the site of the plant on [the effective date of this section] *August 4, 1989*, except as limited by RSA 155-E:4-a, I, II, and III.

(b) No further permit shall be required under this chapter for excavation from [an area] *a site* which on [the effective date of this section is] *August 4, 1989*, *was* contiguous to or [is] *was* contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979, and before [the effective date of this section] *August 4, 1989*, *which use earth obtained from such [areas] site*. It is further provided that their operation and reclamation shall continue to be regulated by such local or state permits and any renewals or extensions thereof by the permitting authority or authorities.

9 Highway Excavations; Certification. RSA 155-E:2, IV(b) is repealed and reenacted to read as follows:

(b) Such excavation shall not be exempt from local zoning or other applicable ordinances, unless such an exemption is granted pursuant to subparagraph (c), or from the operational and reclamation standards as expressly set forth in RSA 155-E:4-a, 155-E:5 and 155-E:5-a, which express standards shall be the sole standards with which such excavations must comply in order to retain their non-permit status as provided under this paragraph. Before beginning such excavation, the governmental unit or its agents shall certify to the regulator that:

(1) The excavation shall comply with the operational and reclamation standards of RSA 155-E:4-a, RSA 155-E:5, and 155-E:5-a.

(2) The excavation shall not be within 50 feet of the boundary of a disapproving abutter or within 10 feet of the boundary of an approving abutter, unless requested by said approving abutter.

(3) The excavation shall not be unduly hazardous or injurious to the public welfare.

(4) Existing visual barriers in the areas specified in RSA 155-E:3, III shall not be removed, except to provide access to the excavation.

(5) The excavation shall not substantially damage a known aquifer, so designated by the United States Geological Survey.

(6) All required permits for the excavation from state or federal agencies have been obtained.

10 Reclamation Plan; Effects to be Addressed. RSA 155-E:3, VI is repealed and reenacted to read as follows:

VI. A plan for the reclamation of the area affected by the excavation at least in compliance with RSA 155-E:5 and RSA 155-E:5-a. Such plan shall address the effects of the proposed excavation on soil, surface and groundwater, vegetation, overburden, topography, and fill material, and may address the effects on wildlife and future land use, and shall include a timetable for reclamation of fully depleted sites within the excavation area during said project;

11 New Paragraph; Permit Application; On-Site Nuisances Addressed. Amend RSA 155-E:3 by inserting after paragraph VI the following new paragraph:

VI-a. Specific actions to be taken by the applicant on the excavation site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons; and

12 Special Exception Criteria Expanded. Amend RSA 155-E:4, III to read as follows:

III. When the excavation is not permitted by zoning or other applicable ordinance, provided, however, that in municipalities which have commercial earth resources on unimproved land within their boundaries, and which do not provide for [reasonable opportunities for excavation of some of those resources] *opportunities for excavation of some of these resources in at least some, and not necessarily all, areas within the municipality*, or in municipalities which have zoning ordinances which do not address the subject of excavations, excavation shall be deemed to be a use allowed by special exception as provided in RSA 674:33, IV, *in any non-residential area of the municipality*, and the zoning board of adjustment shall grant such a special exception upon a finding that:

(a) The excavation will not cause an unreasonable diminution in area property value or unreasonably change the character of the neighborhood;

(b) The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof; [and]

(c) The excavation will not create any unreasonable nuisance or create health or safety hazards; *and*

*(d) The excavation complies with such other special exception criteria as may be set out in applicable local ordinances.*

13 Prohibited Projects; Permit not Granted. RSA 155-E:4, VII is repealed and reenacted to read as follows:

VII. When the excavation requires permits from state or federal agencies; but the regulator may approve the application when all necessary permits have been obtained; or

14 Minimum Operational Standards. Amend the section heading and introductory paragraph of RSA 155-E:4-a to read as follows:

155-E:4-a *Minimum* Operational Standards. It shall be a violation of this chapter for any person to excavate, or for any owner to permit excavation on his excavation site, [whether] *when* such excavation is subject to a permit under this chapter. [or regulated under RSA 155-E:2,] without complying with the following *minimum* standards *or when such excavation is not subject to a permit under this chapter pursuant to RSA 155-E:2 without complying with the following express standards:*

15 New Paragraph; Excavations; Setback Requirements. Amend RSA 155-E:4-a by inserting after paragraph II the following new paragraph:

II-a. No excavation shall be permitted within 150 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area or within 50 feet of any other stream, river or brook which normally flows throughout the year, or any standing body of water less than 10 acres, prime wetland as defined in RSA 482-A:15, I or any other wetland greater than 5 acres in area.

16 Reference Change. Amend RSA 155-E:4-a, IV to read as follows:

IV. Drainage shall be maintained so as to prevent the accumulation of free-standing water for prolonged periods. Excavation practices which result in siltation of streams or degradation of any water supplies are prohibited. For excavation projects which require a permit from the division of water supply and pollution control pursuant to RSA [149:8-a] **485-A:17**, the provisions of that statute, and rules adopted under it shall supersede this paragraph. The excavator shall file a copy of the permit issued under RSA [149:8-a] **485-A:17** with the regulator.

17 Change from Site to Area; Reclamation Bond. Amend RSA 155-E:4-a, VII to read as follows:

VII. Prior to the removal of topsoil or other *overburden* material from [a new excavation] *any land area that has not yet been excavated*, the excavator shall file a reclamation bond or other security as prescribed by the regulator, sufficient to secure the reclamation of the [site] *land area to be excavated*.

18 Minimum Reclamation Standards; Soil Replacement. Amend the introductory paragraph of RSA 155-E:5 and RSA 155-E:5, I to read as follows:

155-E:5 *Minimum* Reclamation Standards. Within 12 months after the expiration date in a permit issued under this chapter, or of the completion of any excavation, whether subject to permit or not, whichever occurs first, the owner of the excavated land shall have completed the reclamation of the areas affected by the excavation to meet each of the following minimum [conditions] *standards*:

I. Except for exposed rock ledge, all areas which have been affected by the excavation or otherwise stripped of vegetation shall be spread with *the original* topsoil or strippings, if any[.]. *A sufficient quantity of the original topsoil shall be stockpiled on-site for reuse to be spread to a minimum depth of 4 inches*, but [in any case] *if not available from the original topsoil*, covered by soil capable of sustaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable [horticultural] *agronomy* practices.

19 Reclamation Standards; Slopes. Amend RSA 155-E:5, III to read as follows:

III. All slopes, except *for* exposed ledge, shall be graded to natural repose for the type of soil of which they are composed, but shall not in any case be left steeper than [2:1] *1 vertical to 2 horizontal or some other ratio proposed by the owner and approved by the regulator in the reclamation plan*. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.

20 New Paragraph; Reclamation Standard; Prior Use. Amend RSA 155-E:5 by inserting after paragraph V the following new paragraph:

VI. As part of the reclamation plan, the land shall be returned to a usable state agreeable to the regulator.

21 Incremental Reclamation; Reclamation Plan Required. Amend RSA 155-E:5-a to read as follows:

155-E:5-a Incremental Reclamation. Any excavated area of 5 contiguous acres or more, which [either] is depleted of commercial earth materials, excluding bedrock, or *any excavation* from which [no] earth materials *of sufficient weight or volume to be commercially useful* have *not* been removed for a 2-year period, shall be reclaimed in accordance with RSA 155-E:5, within 12 months following such depletion or 2-year non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. *Each operator, other than the operator of stationary manufacturing plants which are exempt from permit requirements pursuant to RSA 155-E:2, III, shall prepare and submit for the regulator's record a reclamation plan for the affected land, including a timetable for reclamation of the depleted areas within the reclamation site.*

22 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill clarifies several sections of, and terms used in, RSA 155-E, and provides more stringent requirements under several sections of the chapter, especially regarding operational and reclamation requirements.



The bill removes the current limitation in the definition of "abandoned" excavation which requires excavation to have occurred after August 4, 1979. The bill also requires that a commercially useful amount of material be removed to prevent designation of a site as abandoned, and shortens the period during which an abandoned site must be reclaimed or have an approved reclamation timetable submitted to the local regulator.

The bill requires abandoned excavation sites which are found to pose a threat to public health or safety to meet the reclamation requirements of the chapter, regardless of the length of time the site has been abandoned.

The bill subjects all hazardous embankments resulting from excavations to the town regulatory powers granted under RSA 31:41-b.

The bill also requires excavation sites for highway construction to comply with certain environmental, visual, and safety standards and requires all permit applications to address various pollution, fuel storage, and safety concerns.

The bill prohibits siting of excavation sites near most water bodies. The bill also removes the waiver requirement for permitting certain excavations below stated heights above the water table.

The bill requires, to the greatest extent possible, reclamation of the site with the earth disturbed by the excavation.

The bill also specifies that the statutory operational standards are minimum standards.

Rep. Scanlan spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

#### **HB 615-FN, relative to sand and gravel. OUGHT TO PASS.**

The Committee strongly recommends passage of this bill in order to insure sand and gravel excavations be performed in an environmentally acceptable manner, at the same time allowing for local control and balancing the interests of sand and gravel operators. Vote 16-0. Rep. Jeb E. Bradley for Environment and Agriculture.

Rep. Bradley moved that the words Re-refer to Committee be substituted for the report of the Committee. Ought to pass and spoke in favor.

Re-referred to Committee

#### **HB 62-FN, relative to retirement allowances under the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT.**

This bill amends the Retirement Statutes by defining earnable compensation, repeals a special fringe benefit for certain unclassified employees, and defines the conditions which elected and appointed officials must meet to be eligible for membership in the Retirement System. Vote 13-3. Rep. Merton S. Dyer for Executive Departments and Administration.

#### **Amendment**

Amend the bill by replacing section 2 with the following:

2 Membership Eligibility for Elected and Appointed Officials. Amend RSA 100-A:3, I(a) to read as follows:

I.(a) Any person who becomes an employee, teacher, permanent policeman or permanent fireman after the date of establishment shall become a member of the retirement system as a condition of employment; except that membership shall be



optional in the case of elected officials, officials appointed for fixed terms, *unclassified state employees*, or those employees of the general court who are eligible for membership in the retirement system. *Elected officials and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:*

*(1) The office held is a full-time position with eligibility for the same fringe benefits as other full-time employees of the employer;*

*(2) The office held is the primary occupation of the person holding the office;*

*(3) The base rate of annual compensation for the office held is at least \$15,000, and requires at least 1,820 hours of employment; and*

*(4) The official satisfies the conditions under subparagraphs (1)-(3) by using only one elected or appointed office to qualify.*

Amend the bill by deleting section 4, and renumbering sections 5-10 to read as 4, 5, 6, 7, 8, and 9 respectively.

#### AMENDED ANALYSIS

This bill amends the retirement statutes, RSA 100-A, by:

(1) Amending the definition of earnable compensation so that severance pay such as vacation time and other compensation paid by an employer are used only to a certain extent to determine the average final compensation of a person upon his retirement.

(2) Repealing the special fringe benefit for certain unclassified officers or employees who withdraw from the retirement system and who make equivalent contributions to an IRA.

(3) Limiting the right of predecessor system retirees to receive a full salary and a full ordinary or accidental disability allowance as a disability retiree, when the retiree is engaged in or able to engage in gainful occupation.

(4) Defining the conditions which elected and appointed officials must meet in order to be eligible for membership in the retirement system.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 54-FN**, eliminating the laws regarding children in need of services. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.

MAJORITY: House Bill 54, a revision of the handling of children in need of services (CHINS) has been an evolutionary process. The original bill was heard for nearly four hours. Following the hearing the Subcommittee met multiple times to develop a totally new concept of the bill. This major amendment then went before the public for an additional hearing covering several hours. A significant number of comments at the second hearing indicated a need for extensive tuning of the bill's language. This was accomplished in a minimum of four executive sessions.

The concept in the amended bill provides a restructuring of the CHINS process, which is family oriented and less threatening. It becomes a process which strengthens family ties rather than punishing children.

Voluntary family services and regional assistance teams, the new process concentrates on early intervention and diversion, long before court action and costly out-of-home placement. A recent study of New Hampshire's juvenile service system by the

American Bar Association, shows we are the only state in the country that relies on costly court-ordered services to provide service to our juveniles.

The claim of potential additional costs was interjected, however, no concrete facts or testimony were forthcoming to substantiate such claims. The Committee, however, took cognizance of the possibility of such, and by its structuring of section 8 of the bill has provided a contingency review that gives us another look at the cost structure, budget, staffing, and rules before any new process takes effect.

This bill moves us forward at an appropriate time when we need to be looking not only for an adequate existing system, but rather for a new more efficient, better balanced, family-oriented service. Vote 10-6. Rep. Ellen-Ann Robinson for the Majority of Children, Youth and Juvenile Justice.

MINORITY: There was no evidence presented that the present law is not working. The minority felt rushed to come up with a decision. Our concern is that this new amendment will ultimately shift the responsibility of these children from the state to the many cities and towns that cannot bear additional monetary burdens. No one except the Department of Health and Human Services spoke in favor of the bill. The final amended bill had no public hearing or input. Although the final cost was said to be the responsibility of the parents, most of these parents lack the finances to pay for these services. Vote 10-6. Reps. Annette M. Cooke, Juanita Bell, Nancy W. MacKinnon, Lionel W. Johnson, Lillian I. Rheault and Julie M. Brown for the Minority of Children, Youth and Juvenile Justice.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the laws regarding children in need of services.

Amend the bill by replacing all after the enacting clause with the following:

1 Children in Need of Services. RSA 169-D is repealed and reenacted to read as follows:

#### **CHAPTER 169-D**

#### **CHILDREN IN NEED OF SERVICES**

169-D:1 Applicability of Chapter; Purpose. This chapter shall apply to children in need of services as defined in this chapter and shall be construed and administered in accordance with the following purposes and policies:

I. Certain behavior occurring within a family environment indicates that a child is experiencing serious difficulties and is in need of diversion from such behavior or services to provide him with the care, counseling, discipline, and supervision necessary to assist him in becoming a responsible and productive member of society.

II. Parents are the primary caregivers for children, and are primarily responsible to assure that their children receive the care, guidance, discipline, supervision, and treatment required to assist a child in becoming a responsible and productive member of society.

III. Services should be implemented which preserve and strengthen the unity of the family, seeking change through the voluntary participation of family members in the least restrictive environment consistent with the safety of the child, family, and the public.

IV. A child should be kept in his family environment unless it is clearly shown that removal of the child from his home is necessary to maintain the safety of the child, to maintain the safety of others in the family, or to maintain public safety. This

purpose should be achieved through judicial procedures which assure that the constitutional and other rights of the parties are recognized and protected.

169-D:2 Definitions. In this chapter:

I. "Child" means a person under the age of 18.

II. "Child in need of services" means a child who is mentally competent to comprehend the reasonably expected results of his behavior upon himself or others, yet:

(a) Runs away from home, or repeatedly disregards the reasonable and lawful commands of the person responsible for his welfare, or violates the laws on compulsory school attendance, and by this behavior places himself or others in unsafe circumstances, and in imminent risk of harm; and,

(b) Is capable of benefit from a diversion program or the services available under this chapter.

III. "Conditional release" means a legal status created by a court order following an adjudication that a child is in need of services and shall be permitted to remain in the community, including his home, subject to:

(a) The conditions and limitations of his conduct prescribed by the court.

(b) Such services as are prescribed by the court, after review of the report of the interagency evaluation team.

(c) The supervision of juvenile services officers as authorized by RSA 170-G:16.

(d) Return to the court for violation of the conditions of the release and change of the disposition at any time during the term of the conditional release.

IV. "Court" means the district court, unless otherwise indicated.

V. "Diversion" means community-based programs which provide alternatives to traditional court processing for juveniles, as well as diversion programs created or funded in accordance with RSA 170-G:4, XVI.

VI. "Financial statement" means a form submitted to a court or juvenile services officer which includes all items of income and expense, assets and liabilities, of a person chargeable by law for the support of a child in need of services. The form shall also require disclosure of all governmental benefits received or receivable, and all policies of insurance which provide coverage for the child or the person chargeable for support of the child.

VII. "Home detention" means court-ordered confinement of a child with his parents or other specified home for 24 hours a day unless otherwise prescribed by written court order, under which the child is permitted out of the residence only at such hours and in the company of such persons as specified in the court order establishing the home detention.

VIII. "Imminent risk of harm" means circumstances or surroundings are present in the child's home which constitute immediate risk of harm to the child's life, health, safety, or welfare which may lead to involuntary placement away from the home.

IX. "Interagency assistance team" means a local or regionally based group, created and administered in accordance with rules adopted by the commissioner of the department of health and human services in accordance with RSA 169-D:5 charged with the performance of the duties enumerated in RSA 169-D:8.

X. "Legal supervision" means a legal status created by court order wherein the child is subject to supervision by a juvenile services officer in the place where he resides, but legal custody remains in the person responsible for the welfare of the child.

XI. "Person responsible for the welfare of a child" means the parent, guardian, or relative of a child, and does not include persons giving care in out-of-the-home situations, such as day care providers, educators, and the like.

XII. "Person chargeable for the support of a child" means such person liable for support of a child in need of services in accordance with RSA 546-A.

XIII. "Voluntary family service plan" means a written plan, negotiated by a juvenile services officer, and agreed to in writing by a child in need of services and the persons responsible for his welfare, of actions to be taken by the child and family, and the services to be authorized by the division for children and youth services instead of filing a petition seeking intervention of the court.

169-D:3 Referral For Services.

I. The division for children and youth services shall accept a referral from any person who provides specific facts to suggest that a child named in the referral is in need of services.

II. The referral may be oral, and if requested by the division shall be followed within 48 hours by a written report. The report shall contain the name and address of the child suspected to be a child in need of services, the person responsible for the welfare of the child, and the specific facts suggesting that the child is in need of services.

III. Anyone participating in good faith in the making of a referral pursuant to this chapter is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any assessment or judicial proceeding which may be undertaken by the division resulting from the report.

169-D:4 Duties of the Division for Children and Youth Services.

I. For each referral it receives, the division shall record the report in writing, and make an initial determination to refer the report to a different agency, determine if the child is a child in need of services, or conclude the report without further action. Rules shall be promulgated under RSA 169-D:5 to provide for timely and fair appeal of the decision of the division to conclude the report without further action.

II. The division shall immediately refer all cases in which there is reason to believe that any person referred to in the report has been engaged in criminal conduct to the appropriate law enforcement agency.

III. The division may refer the family to any state agency or community-based resource or diversion program for aid in the resolution of the problem presented in the referral.

IV. All reports retained for further assessment which allege that a child is in need of services shall be referred to a juvenile services officer.

169-D:5 Rulemaking. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, necessary to carry out the provisions of this chapter.

169-D:6 Temporary Custody.

I. A police officer or juvenile services officer may take a child into temporary custody when there are reasonable grounds to believe that the child has run away from the person responsible for his welfare, and there is imminent risk of involuntary placement of the child away from his home. No child so detained shall be securely held in a facility used for the detention or correction of adult offenders or juvenile delinquents.

II. The officer who has taken a child into temporary custody shall release the child to a person responsible for the child's welfare if such person can be found.



appears before the officer, and the officer is reasonably assured of the safety of the child after such release.

III. The officer may, with the consent of the child and the person responsible for the child's welfare, refer the child to a diversion program. The police officer or juvenile services officer shall make a written report to his department identifying the child, specifying the grounds for taking the child into custody, and indicating the basis for the disposition.

IV. If a person responsible for the welfare of the child cannot be found, refuses to appear, or fails to provide reasonable assurance to the officer of the safety of the child after such a release, the court shall be notified, and the terms of the child's release shall be determined by the court in accordance with RSA 169-D:14. In such cases, the officer shall make a report to the interagency assistance team and the court, indicating the grounds for taking the child into custody, and indicating the basis for the disposition.

#### 169-D:7 Voluntary Family Service Plan.

I. A child alleged to be in need of services, together with the person responsible for his welfare, may accept services through a voluntary family service plan under the supervision of the division for children and youth services. Such plan shall be in writing, and shall contain:

(a) A statement of facts, describing the problems, conduct, or condition supporting the involvement of the division or other agencies in the matter.

(b) A statement of the problems to be addressed by the plan, identifying the services to be utilized by the child and family to address the problems.

(c) A statement of the objectives sought to be achieved by the plan, with agreed timeframes for achieving each objective. Services are to terminate on a date specified in the plan, unless extended in writing by the division for children and youth services with the consent of the parties.

II. The plan document shall contain a notice of the following consequences of entering into a voluntary service plan:

(a) That failure to comply with the terms of the plan may, in the discretion of the division, lead to the closure of the matter, referral to an interagency assistance team, or the filing of a petition seeking court intervention.

(b) That the state of New Hampshire may recover the costs of services authorized and provided at the expense of the state from persons chargeable by law for the support of the child.

III. The plan shall be signed by the child, the persons responsible for his welfare, the division member supervising the plan, and by any service provider who is required to provide services under the plan. The person chargeable for the support of the child shall be notified of the plan.

IV. No member of the division for children and youth services shall authorize payment for services under a voluntary family services plan until there is on file a financial statement from the person chargeable by law for the support of the child, if known, and a plan to reimburse the cost of services provided at the expense of the state through the division for children and youth services. The commissioner of health and human services shall adopt rules, under RSA 169-D:5, to govern such reimbursements. Said rules shall include, but not be limited to, a time frame for completion of the financial statement, an appeal process and a 6 month review procedure.

#### 169-D:8 Interagency Assistance Team.

I. The duties of the interagency assistance team shall be to:

(a) Upon request, assist families and juvenile services officers in the development, revision, and refinement of voluntary family service plans for children alleged to be in need of services for whom court intervention is not required.

(b) Assist in the assessment of those alleged to be children in need of services who require the intervention of the court to successfully implement a plan of services.

(c) Advise juvenile services officers who determine to file a petition with the court alleging the child to be in need of services.

(d) Assist the juvenile services officer and the court in the development of a case services plan to be implemented by court order, and to consider revisions and refinements of the case services plan at the request of the child, family, juvenile services officer, or court after adjudication of the child and implementation of the original case services plan.

II. Each interagency assistance team shall be governed by policies and procedures defined by rules adopted by the commissioner of the department of health and human services as required by RSA 169-D:5. The rules shall contain a provision for timely and fair appeal of the decision of a juvenile services officer not to file a petition seeking court intervention.

169-D:9 Jurisdiction.

I. The court shall have exclusive original jurisdiction over all proceedings alleging that a child is in need of services.

II. The court may, with the consent of the child, retain jurisdiction over any child who, prior to his eighteenth birthday, was found to be a child in need of services, and who is attending a recognized school for the purpose of obtaining a high school diploma, or general equivalency diploma.

III. The court shall make orders relative to the support and maintenance of the child after the child reaches age 18 as justice may require, but shall close the case when the child ceases to be enrolled as a full-time high school student during regular sessions of the school, or graduates from such school, or at his twenty-first birthday, whichever shall first occur.

169-D:10 Venue.

I. Proceedings under this chapter may be originated in any judicial district in which the child is found.

II. Proceedings under this chapter may, upon notice and acceptance, be transferred to another court as the interests of justice or the convenience of the parties may require, by the court on its own motion or that of any party.

III. When a child who is on conditional release moves from one political subdivision to another, the court may transfer, upon notice and acceptance, to the court with jurisdiction over the political subdivision of the child's new residence, if the transfer is in the best interest of the child.

169-D:11 Petition.

I. A petition alleging a child is in need of services may be filed by:

(a) A police officer or juvenile services officer who is holding a child in temporary custody pursuant to RSA 169-D:6, and who is unable to release the child to a person responsible for the welfare of the child.

(b) A juvenile services officer, after consultation with an interagency assistance team, in accordance with RSA 169-D:8.

II. The petition shall be in writing, verified under oath, and shall describe with particularity the date, time, place and conduct of the child which supports the allegation that he is a child in need of services who requires the intervention of the court. If

a placement away from the child's home is requested, the petition shall describe what reasonable efforts were undertaken to prevent the removal of the child from his home or describe circumstances under which no reasonable efforts could be made to prevent such removal.

III. The petition shall be filed with a judge or clerk of the court in the judicial district where the child is found or resides, which filing shall constitute commencement of the action.

169-D:12 Process.

I. Summons. Upon the filing of the petition, the clerk shall forthwith affix the court seal upon a summons, and deliver or return the summons to the person making service, who shall be responsible for prompt service of the summons and a copy of the petition upon the child and upon each and every person responsible for the welfare of the child.

II. Summons; Form. The summons shall be in such form as the court shall by rule provide. The summons shall contain a notice of the child's right to counsel and the available procedures for obtaining counsel. The summons shall further state as follows: "Parents and other persons chargeable by law for the child's support may be liable for expenses incurred in this proceeding, including the cost of certain evaluations and placements. RSA 186-C regarding educationally disabled children grants children and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."

III. Manner of Service. Process shall be served by a sheriff, deputy sheriff, or local police officer by delivery to the individual in person, unless upon a minor, in which case personal service shall be made upon the parent, guardian, or person having actual care and control of the child.

IV. Manner of Alternative Service. If process cannot be served in the above manner, the petitioner shall advise the court by affidavit of the facts preventing such service, and the court shall enter a specific order in writing allowing alternative service by such means as the court finds most likely to provide actual notice of the process to the individual sought to be served.

V. Return of Service. The person making service shall note the date, time, and specific manner of service upon the process, and return it to the petitioner, who shall file the return of service with the court. Filing of such return by the petitioner shall constitute a representation that the person served received a true copy of the process in the manner noted on such return. Failure to make a return of service upon each and every person responsible for the welfare of a child shall not prevent the court from proceeding to hearing, but a person not served shall not be bound in the absence of actual notice of the proceeding.

VI. Additional pleadings. Copies of all pleadings and other materials authorized by rule or statute to be filed with the court and copies of all communications with the court shall be served upon all counsel of record or parties appearing pro se by mailing or delivery in hand, unless otherwise ordered by the court. All such materials shall contain a statement of compliance herewith.

169-D:13 Failure to Appear; Warrant. Any person summoned at any stage of the proceedings who, without reasonable cause, fails to appear with the child may be proceeded against as in case of contempt of court; or in the alternative, a warrant may issue for the appearance of the child or of the person so summoned.

169-D:14 Release Prior to Initial Appearance.

I. If a child taken into temporary custody pursuant to RSA 169-D:6 cannot be released to a person responsible for his welfare within 4 hours of being taken into custody, the court shall be notified, a petition shall be filed, and placement until the initial appearance shall be determined by the court.

II. If placement is likely to be made other than with a person responsible for the welfare of the child, the division shall be notified and, pursuant to RSA 169-F, shall be granted an opportunity to be heard prior to the entry of an order for placement.

III. The court shall release the child to one of the following, which in the court's opinion is the least restrictive and most appropriate:

(a) A person responsible for the welfare of the child.

(b) The division for children and youth services for placement with a suitable adult willing to pursue licensure for foster care, in a foster home, group home, crisis home, or shelter care facility licensed pursuant to RSA 170-E, and certified by the division to accept children in need of services, or an alcohol crisis center certified to accept juveniles, with expenses charged according to RSA 169-D:23 and RSA 169-D:24.

(c) An adult, who at the time of the hearing is an acquaintance of the child, is found to be suitable by the court, and who agrees to accept placement of the child for a period of up to 30 days under such conditions as may be prescribed by the court, which shall include a home visit by a representative of DCYS, the results of which shall be reported to the court.

IV. No child alleged to be or adjudicated a child in need of services shall be securely held in a facility used for the detention or correction of adult offenders or juvenile delinquents at any stage of the proceedings.

#### 169-D:15 Initial Appearance.

I. An initial appearance shall be held not less than 24 hours nor more than 7 days from the time of filing of a petition. The general public shall be excluded from all hearings under this chapter. Only such persons as the parties, their witnesses, counsel, and representatives of the agencies present to perform their official duties shall be admitted.

II. At the initial appearance, the court shall:

(a) Advise the child orally and in writing of the contents of the petition.

(b) Appoint counsel for the child pursuant to RSA 169-D:16.

(c) Pending the adjudicatory hearing, release the child as provided in RSA 169-D:14, III, provided that the court may in writing set such conditions of release as it deems necessary to protect the safety of the child, the safety of others in the family, or public safety.

(d) Set a hearing date for the adjudicatory hearing, to be held within 21 days of the initial appearance.

(e) Join the legally liable local education agency for the purposes set forth in RSA 169-D:17.

(f) In its discretion, refer the matter to the interagency assistance team for review in accordance with RSA 169-D:8.

(g) Advise parents and other persons chargeable by law for the child's support orally and in writing that they may be liable for expenses incurred in the proceeding, including the cost of certain evaluations and placements, and that RSA 186-C regarding educationally disabled children grants children and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided.



However, no plea of true shall be taken until the child has had an opportunity to consult with counsel, or until a waiver is filed pursuant to RSA 169-D:16.

III. After hearing, the court may, with the consent of the child and the person responsible for the welfare of the child, dispose of the petition by accepting the request of the child to participate in a diversion program, which may include a voluntary service plan.

169-D:16 Appointment of Counsel; Waiver of Counsel.

I. At the time of the initial appearance, the court shall assure that the right of the child to counsel is protected in the following manner:

(a) By appointing an attorney to serve as counsel for the child.

(b) If the court is of the opinion that the best interests of the child require separate protection, by appointing a guardian ad litem to represent the best interests of the child.

II. The expenses of counsel appointed under paragraph I shall be paid through the indigent defense fund.

III. No person responsible for the welfare of a child or other person appearing before the court with respect to the proceeding shall be entitled to have counsel appointed by the court at the expense of the state to represent their interests.

IV. The child may waive the right to have counsel appointed only with the consent of the person responsible for the welfare of the child, and upon a finding by that court that such waiver is made voluntarily, competently, and with full understanding of the consequences.

169-D:17 Educationally Disabled Child.

I. At any point during the proceedings, on its own motion or the motion of any party, the court shall join the legally liable local education authority as a party to the proceeding under this chapter if:

(a) The child is presently determined to be educationally disabled in accordance with RSA 186-C.

(b) Any party requests the court to seek a determination from the legally liable local education authority that the child is educationally disabled in accordance with RSA 186-C.

(c) The child is found to be educationally disabled on appeal from the local education authority's decision in accordance with the due process procedures of RSA 186-C.

II. Once joined as a party, the legally liable local education authority shall have full access to all records maintained by the district court under this chapter, and shall be offered the opportunity to participate in the interagency assistance team developing a voluntary family service plan or case service plan for the child.

III. The local education authority shall offer to the interagency assistance team and to the district court a recommendation as to how the educational needs of the child can best be met. Such recommendation shall be submitted at any stage of the proceeding which contemplates a change in the placement of the child which has the potential to interfere with the provision of a free and appropriate public education to the child in accordance with an approved and implemented individual education plan for the educationally disabled child.

IV. In any order where the court declines to accept the recommendation of the local education authority, the court shall make written findings of fact to explain why the recommendation was not followed.

169-D:18 Adjudicatory Hearing.

I. An adjudicatory hearing shall be conducted by the court, separate from the trial of criminal cases. The petitioner has the burden to prove the allegations in support of the petition by a preponderance of the evidence. The court shall not be bound by the technical rules of evidence, and may admit evidence which it considers relevant and material.

II. Upon its own motion, or the motion of any party, the court may enter an order to control the disclosure of witnesses, admission of facts and documents, and the sharing of any other relevant or material information between the parties in advance of the adjudicatory hearing. Upon the request of any party, the court may issue such protective orders as it deems just to control the use of such shared information, but such orders shall not prevent access to information as allowed in RSA 169-D:22.

III. The petitioner shall present witnesses to testify in support of the petition, and any other evidence necessary to support the petition. The child shall have the right to present evidence and witnesses on his behalf and to cross-examine adverse witnesses.

IV. If the court finds that the petitioner has not sustained its burden of proof, it shall dismiss the petition, and unless stayed or modified by the court pending an appeal, any order of placement shall expire, and the child shall be returned to the person responsible for his welfare forthwith.

V. If the court sustains the petition, the court shall order the division for children and youth services to prepare an investigation report and case service plan. The division may seek the assistance of the interagency assistance team in the preparation of the plan. The court may order the child and any person responsible for his welfare to submit to a physical examination or mental health evaluation as required by the division. The child and any person responsible for his welfare shall be advised of their right to object to any order for physical or mental health evaluation. Objections shall be submitted in writing to the court within 5 days after notification of the time and place of the examination or evaluation. The court may excuse any person so filing an objection for good cause shown, or may deny the objection, and proceed to enforce its order for the examination or evaluation as in cases of contempt of court.

VI. If the court sustains the petition, it shall make an order for the release of the child in accordance with RSA 169-D:14, pending the final dispositional hearing.

VII. The court shall set a date for the final dispositional hearing, to be commenced within 30 days of the conclusion of the adjudicatory hearing. All reports to be considered at the final dispositional hearing shall be filed with the court 5 business days in advance of the hearing, and shall be shared with all parties. The court may excuse this requirement for good cause shown, or may recess the final dispositional hearing to allow any party a further opportunity to review the report or obtain information in opposition to the conclusions reached in the report.

#### 169-D:19 Final Dispositional Hearing.

I. If the court sustains the petition, and finds the child is in need of services, it shall order the least restrictive and most appropriate disposition considering the facts in the case. In making this disposition, the court shall also consider and make written finding of the following:

(a) The basis for the finding that the child is in need of services.

(b) If placed away from his home, that the division for children and youth services undertook reasonable efforts to prevent such placement, and the case service plan constitutes a reasonable effort to reunify the child with his family.

(c) The dispositional placement does not deny the child the free exercise of his religion, or that of his parents, whether living or dead, nor the liberty of worshipping God in accordance with such religion.

II. Such disposition may include:

(a) Permitting the child to remain with a person responsible for his welfare or suitable adult willing to pursue licensure for foster care, subject to such limitations and conditions as the court may prescribe, including:

(1) Home detention, as defined in the court order.

(2) Placing the child on conditional release for a period of up to 2 years, but not to extend beyond the period of extended jurisdiction defined in RSA 169-D:9.

(3) Acceptance of the terms of an individual education plan proposed for an educationally disabled child.

(4) Ordering the child or the person responsible for his welfare to accept mental health services or medical treatment.

(b) Releasing the child in the legal supervision of the division for children and youth services for placement as follows. Any placement in this state shall be with a facility licensed pursuant to RSA 170-E and certified by the division to provide services to children in need of services. If a child is placed out of state, the provisions of RSA 170-A, and rules governing the certification of providers shall be followed. The court may further order the child or the person responsible for his welfare to accept mental health services or medical treatment. Placement may be made with:

(1) A foster home.

(2) A group home, crisis home, or shelter care facility.

III. Every final dispositional order shall contain an order for reimbursement of the expenses incurred for services to a child in need of services in accordance with the requirements and procedure set forth in RSA 169-D:23 and 169-D:24. Every person chargeable for support of the child shall be afforded notice of a hearing, and an opportunity to be heard at the final dispositional hearing upon the issue of reimbursement. The division shall make a recommendation for the amount of reimbursement, calculated in accordance with rules adopted pursuant to RSA 169-D:5. If the court deviates from such recommendation, it shall enter written findings of the basis for such deviation.

IV. Any child or person responsible for the welfare of a child adjudicated pursuant to this chapter who shall fail or refuse to comply with the final dispositional order may be proceeded against for civil contempt of court.

V. Upon its own motion or the motion of any party seeking sanctions for contempt, the court shall schedule a hearing, provide notice of the conduct alleged to constitute contempt, and shall make a finding of contempt only after all parties are afforded an opportunity to be heard, and show cause why such person should not be found to be in contempt of court.

VI. An adult responsible for the welfare of a child may in addition be found in criminal contempt of court for refusal to participate in the dispositional plan ordered by the court. The adult shall be afforded notice of the essential facts constituting the criminal contempt charged, a hearing, counsel, and shall be adjudged guilty of criminal contempt only upon proof beyond a reasonable doubt.

VII. A child found in contempt of court may be removed from an existing placement, and placed in a more restrictive setting until such time as the contempt is purged by the performance of such acts as may be ordered by the court.

169-D:20 Review of Final Dispositional Orders.



I. At any time following the entry of the final dispositional order, upon the motion of any party, or upon its own motion, the court may schedule a hearing to review or modify a final dispositional order.

II. Notwithstanding the provisions of paragraph I, the court shall schedule and hold a review hearing at least once within each 6-month period following the entry of the final dispositional order.

169-D:21 Appeals. An appeal under this chapter may be taken to the superior court by the child or the person responsible for his welfare within 30 days after the final dispositional order, but an appeal shall not suspend the order or decision of the court unless the court so orders. The superior court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar.

169-D:22 Confidentiality of Court Records.

I. All records pertaining to cases of children in need of services shall be kept in books and files separate from all other court records. Such records shall be withheld from public inspection, but shall be open to juvenile services officers, the child, persons responsible for the welfare of the child, attorneys for the parties, a local education agency joined as a party, and the guardian ad litem. Additional access shall be granted by the court upon good cause shown. Once a child in need of services reaches the age of 18, and his case has closed, all such records, except for statistical data which shall not serve to identify the child shall be destroyed.

II. No participant in any hearing relating to a child alleged to be in need of services shall disclose any data with respect to such child or hearing to any person without the prior express order of the court, upon penalty of being in civil or criminal contempt of court.

III. No owner, employee, or agent or representative of a print, electronic, or other form of media shall print or otherwise broadcast or publish any information with respect to a child alleged to be in need of services without prior permission of the court. Any such person or partnership, trust or corporation which violates this section shall be proceeded against for civil contempt of court.

169-D:23 Liability for Expenses.

I. Any expense incurred in the provision of services to a family or child under a voluntary family service plan, or under a court ordered case service plan, including expenses for board and care of the child placed outside of the home of the person responsible for the welfare of the child, and services required to meet the medical treatment or mental health needs of such child, shall be paid in the first instance by the division for children and youth services, except for:

(a) Expenses for services which, when authorized, were capable of being paid for by an insurance policy which insured the child in need of services or person responsible for the welfare of the child in need of services.

(b) Expenses for services provided to an educationally disabled child, unless as expressly required by RSA 186-C.

II. Notwithstanding paragraph I the county in which the child resided or was found at the time the case commenced, whether by voluntary family service plan or by court intervention, shall reimburse the division for children and youth services for 25 percent of the expenses authorized for such child, and paid by the division.

III. Notwithstanding any change of residence by a child or family while under a voluntary family service plan, or subsequent acts by a child in need of services which brings him to the attention of a court, the county made initially liable under paragraph



III shall remain the county of liability until the child reaches the age of 18, or jurisdiction of the court shall cease, whichever shall last occur.

IV. The state of New Hampshire acting on its own behalf, and for the county of liability shall, within the context of a proceeding under this chapter, be entitled to recover funds expended to serve a child in need of services from the persons chargeable by law for the child's support and necessities. Such sums shall be deemed to be child support.

169-D:24 Collection of Reimbursements Due to State.

I. No further action or process shall be required to permit the state of New Hampshire to collect the expenses paid for services for any person under this chapter from a person chargeable by law for such expenses who is before the court.

II. If a child or family is receiving services pursuant to a voluntary family service plan, and has agreed to a plan for reimbursement of the state of New Hampshire for expenses associated with the plan, such plan shall be enforceable in the judicial district where the child resided or was found at the time the plan commenced.

III. The office of reimbursements is authorized to compromise or reduce any expense to be charged to the state as a result of services at New Hampshire hospital.

IV. There is created a rebuttable presumption in any final dispositional order that the person chargeable by law for support of the child shall satisfy the obligation to repay and reimburse the state as an award of child support that the amount of the award which would result from the application of the guidelines provided under RSA 458-C is the correct amount of support to be paid for the child. A written finding by the court on the record that the application of the guidelines would be unjust or inappropriate in a particular case, as defined by using the criteria contained in RSA 458-C:5 shall be sufficient to rebut the presumption in each case.

V. The jurisdiction of the court to order reimbursements shall continue until the obligation to reimburse has been fulfilled.

169-D:25 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held to be invalid, the remainder of the chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

2 Definition Modified. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 18 years which would be a felony, [or] misdemeanor *or violation* under the criminal code of this state, *or any other statute creating a violation offense* if committed by an adult, and is expressly found to be in need of counselling, supervision, treatment, or rehabilitation as a consequence thereof.

3 Reference Changed. Amend RSA 170-G:4, XVII to read as follows:

XVII. After consultation with the advisory board created by RSA 170-G:6, establish rates for all services, placements and programs which are paid for by the division pursuant to RSA 169-B:40, 169-C:27, [169-D:29] *169-D:23, 169-D:24*, and any services required to be provided by the division pursuant to paragraph II of this section. When educational aspects are present in any service, placement or program subject to rate-setting by the division, rates for the educational component shall be addressed jointly by the division and the department of education.

4 Reference Changed. Amend RSA 170-G:4, XVIII to read as follows:

XVIII. Certify all providers of services, placements and programs which are paid for by the division pursuant to RSA 169-B:40, 169-C:27, [169-D:29] *169-D:23, 169-D:24*, and any services required to be provided by the division pursuant to paragraph

II of this section. Each certification issued for this purpose shall have 2 components: one based upon standards of quality and performance, and one based upon the need the state may have for such service, placement or program. When educational aspects are present in any service, placement or program subject to certification by the division, certification for the educational component shall be addressed jointly by the division and the department of education. The commissioner of the department of health and human services shall develop by rule an appeal process for providers of services, placements, and programs who have sought and been refused certification under this paragraph.

5 Reference Changed. Amend RSA 170-G:5-a to read as follows:

170-G:5-a County Reimbursement. County payments due under RSA 169-B:40, 169-C:27 [and 169-D:29], **169-D:23 and 169-D:24** shall be paid to the division for children and youth services on a monthly basis within 30 days' notice of the amount due to the state. Delinquent payments due under these chapters, with interest at the rate of 12 percent per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

6 Reference Changed. Amend RSA 172-B:3, V to read as follows:

V. Notwithstanding any other provisions of law, whenever a person under 18 years of age who is judged by a peace officer to be intoxicated or incapacitated and who has not been charged with a crime is taken into protective custody, if no needed treatment is available, his parent or guardian shall be immediately notified and such person may be held at a police station or a local jail or a county correctional facility in a room or ward separate from any adult or any person charged with juvenile delinquency until the arrival of his parent or guardian. If such person has no parent or guardian in the area, arrangements shall be made to house him according to the provisions of RSA [169-D:17] **169-D:20**.

7 Reference Changed. Amend RSA 186-C:19-b, II(b) to read as follows:

(b) The division for children and youth services shall be liable for all court-ordered costs pursuant to RSA 169-B:40, 169-C:27, [and 169-D:29] **169-D:23 and 169-D:24** other than for special education or special education and educationally related services.

8 Contingency. Within 30 days after the passage of this act, the director of the division for children and youth services shall hold a public hearing for the purpose of receiving input from the general public as to the implementation of this act. The director shall on or before September 1, 1991, create and submit to the general court an implementation plan. At a minimum, this plan shall define a process of transition from the existing law to the new law, define a budget for the provision of the services, which will also specify the staffing pattern to be used to implement the act, and the training that such staff shall receive. All rules required to implement the act shall be disclosed in the plan, and shall be submitted for adoption pursuant to RSA 541-A. A select committee of the general court, consisting of 3 members of the house children, youth and juvenile justice committee, appointed by the chair of such committee, one member of the appropriations committee from division III, appointed by the chair of such committee, 2 senators from the senate judiciary committee and one senator from the senate finance committee, appointed by the president of the senate. The select committee shall review and accept or reject the plan on or before January 1, 1992. The 3 member of the select committee from the house children, youth and juvenile

justice committee shall seek the advice of the full committee on children, youth and juvenile justice. The director shall not implement the plan and sections 1-7 of this act shall not take effect until the plan has received the approval of the select committee and in any case shall not implement the plan before January 1, 1992.

9 Effective Date.

I. Section 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 8 of this act.

#### AMENDED ANALYSIS

This bill modifies the laws regarding children in need of services.

Rep. Annette Cooke moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment.

Rep. William McCain spoke against.

Rep. Asplund spoke in favor.

Rep. Connell spoke against.

Rep. Julie Brown spoke in favor.

Rep. Trombly spoke against and yielded to questions.

Reps. Irene Pratt and Bell spoke in favor.

Rep. Robinson spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

#### YEAS 119

#### NAYS 219

#### YEAS 119

#### BELKNAP

Johnson, Carl R.

Joscelyn, William W.

Salatiello, Thomas B.

#### CARROLL

Jean, Robert R.

#### CHESHIRE

Burnham, Daniel M.

Champagne, Richard L.

Clark, Eugene W.

Doucette, Richard F.

Foster, Katherine D.

Kennison, Wayne A.

Kingsbury, H. Thayer

LaMar, David M.

Lynch, Margaret A.

Pratt, Irene A.

#### COOS

Brungot, Catherine V.

Hawkinson, Marie C.

Oliver, Terry D.

Theriault, Romeo J.

#### GRAFTON

Arnesen, Deborah L.

Brown, Patricia B.

Shackett, Ralph E.

Stewart, Roger D.

Teschner, Douglass P.

Trelfa, Richard T.

#### HILLSBOROUGH

Andrews, Frederick B.

Bourque, Ann J.

Bowers, Dorothy C.

Clemons, Jane A.

Crotty, Edward J.

Daigle, Robert A.

Daniels, Gary L.

Drabinowicz, A. Theresa

Drolet, Paul L.

Dwyer, Patricia R.

Fenton, James J.

Ferguson, Charles

Ferlan, Arthur P.

Fields, Dennis H.

Gage, Ruth E.

Gosselin, Gerald O.

Greenglass, Alan B.

Healy, Daniel J.

Johnson, Lionel W.

King, Frank P.

Lachut, Ervin R.

Larochelle, Roger B.

Laughlin, J. Francis

Lawrence, Norman B.

Lefebvre, Roland J.  
McNerney, Daniel P.  
Nardi, Theodora P.  
Pignatelli, Debora B.  
Steiner, Lee Anne  
Vanderlosk, Stanley R.  
White, John M.

Martin, Mary Ellen  
McRae, Karen K.  
Paquette, Rodolphe G.  
Rheault, Lillian I.  
Stiles, Walter A.  
Wheeler, David K.

Mason, Howard F.  
Moore, Elizabeth A.  
Perham, Lester R.  
Sallada, Roland A.  
Turgeon, Roland M.  
Wheeler, Robert L.

### MERRIMACK

Asplund, Bronwyn L.  
Fair, Patricia A.  
Letourneau, George E.  
Smith, Gerald R.

Braiterman, Thea  
Jacobson, Alf E.  
Molner, Mary E.  
Wallner, Mary Jane

Christie, Thomas J.  
Jelley, Francis D.  
Nichols, Avis B.

### ROCKINGHAM

Barnes, John S., Jr.  
Bucu, Stephen W.  
Dowling, Patricia A.  
Flanders, David A.  
Hynes, Carolyn E.  
Klemm, Arthur P., Jr.  
Palazzo, Frank J.  
Splaine, John E., Sr.  
Thayer, Leroy C.

Bell, Juanita L.  
Caswell, Albert, Jr.  
Dube, LeRoy S.  
Ford, Bert H.  
Kane, Cecelia D.  
MacKinnon, Nancy W.  
Schanda, Joseph, Sr.  
Syracusa, Anthony  
Warburton, Calvin

Brown, Jeffrey M.  
Cooke, Annette M.  
Falwell, Robert V.  
Haynes, Richard  
Katsakiores, George N.  
Magoon, Harold F.  
Smith, Arthur W.  
Terninko, Margaret B.

### STRAFFORD

Appleby, James E.  
Gilmore, Gary R.  
O'Brien, John  
Wheeler, Katherine W.

Bickford, Drucilla  
Kincaid, William K.  
Spencer, Leo J.

Brown, Julie M.  
Merrill, Amanda A.  
Sullivan, Henry P.

### SULLIVAN

Domini, Irene C.  
Tetu, Michael A.

Harland, Jane A.  
Walsh, Robert R.

Middleton, John A.

### NAYS 219

#### BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Maviglio, Steven R.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Cain, Thomas G.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.  
Ziegra, Alice S.

### CARROLL

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

### CHESHIRE

Cole, Kenneth A.  
DePecol, Benjamin J.

Cole, Stacey W.  
Feuer, Joseph N.

Crutchley, Donald O.  
Grodin, Richard A.



Hogan, James B.  
Metzger, Katherine H.  
Riley, William A.

Hunt, John B.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Laurent, John J.  
Perry, David M.  
Spear, Susan S.

### COOS

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Merrill, Gerald P.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Nelson, Harold D.

Guay, Lawrence J.  
Mayhew, Josephine  
Pratt, Leighton C.

### GRAFTON

Adams, Carl S.  
Christy, C. Dana  
Driscoll, William J.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Scanlan, David M.  
White, Paul R.

Brown, Channing T.  
Copenhaver, Marion L.  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.

Chambers, Mary P.  
Dow, David  
Hill, Richard L.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Ward, Kathleen W.

### HILLSBOROUGH

Ahrens, Frederick G.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Dyer, Merton S.  
Ford, Nancy M.  
Goulet, Maurice E.  
Hall, Betty B.  
Holden, Carol H.  
Keane, Cornelius J.  
Kurk, Neal M.  
Leclerc, Charles J.  
McDowell, James E.  
Murphy, Robert E.  
Packard, Bonnie B.  
Record, Alice B.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Tate, Joan C.

Alukonis, David J.  
Buckley, Raymond  
Cote, David E.  
Desrosiers, William J.  
Donovan, Francis X.  
Elliott, Larry G.  
Gagnon, Eugene L.  
Green, Scott E.  
Hanselman, Gregory L.  
Hultgren, David D.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lown, Elizabeth D.  
Mercer, Robert S.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
Upton, Barbara A.

Amidon, Eleanor H.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Durham, Susan B.  
Emerton, Lawrence A.  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Jasper, Shawn N.  
Kelley, Robert N.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Messier, Irene M.  
Ouellette, Robert O.  
Peters, Stanley W.  
Riley, Frances L.  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.  
Wright, George W.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Daneault, Gabriel J.  
Gross, Caroline L.  
Hill, Michael J.  
Kidder, William F.  
Millard, Elizabeth S.  
Stio, Peter M.  
Weeks, John F., Jr.

Barberia, Richard A.  
Chandler, Earle W.  
Dunn, Miriam D.  
Hager, Elizabeth S.  
Johnson, C. William  
Lewis, Mary Ann  
Soldati, Jennifer G.  
Teague, Bert  
Yeaton, Charles B.

Boucher, Laurent J.  
Chandler, John P.  
Fillion, Paul R.  
Hall, Douglas E.  
Johnson, Joyce M.  
Lockwood, Robert A.  
Stapleton, Henry F.  
Trombly, Rick A.

**ROCKINGHAM**

Benton, Richardson D.  
 Christie, Andrew, Jr.  
 Coffey, John J.  
 DiPietro, Carmela M.  
 Flanagan, Natalie S.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Klemarczyk, Thaddeus E.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Raynowska, Bernard J.  
 Seward, Russell G.  
 Sytek, John J.  
 Welch, David A.

Boucher, William P.  
 Chulack, Peter G., Sr.  
 Connell, David R.  
 Dowd, Sandra K.  
 Flanders, John W., Sr.  
 Griebisch, Linda  
 Johnson, Robert A.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 McKinney, Betsy  
 Rosencrantz, James R.  
 Skinner, Patricia M.  
 Tufts, Arthur  
 Weyler, Kenneth L.

Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Conroy, Janet M.  
 Felch, Charles H., Sr.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Keith, Brenda E.  
 MacDonald, Joseph A.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Rubin, George R.  
 Sytek, Donna P.  
 Vaughn, Charles L.  
 Woods, Deborah L.

**STRAFFORD**

Corte, Arthur B.  
 Foss, Patricia H.  
 Jankowski, Peter M.  
 Marston, Robert E.  
 Torr, Ann M.

Douglass, Clyde J.  
 Frechette, Roland A.  
 Keans, Sandra B.  
 Nehring, William H.  
 Tsiros, William

Flynn, Edward J.  
 Hashem, Elaine M.  
 Kinney, Paula J.  
 Parks, Joe B.  
 Vincent, Francis C.

**SULLIVAN**

Allison, David C.  
 Krueger, Richard H.  
 Rodeschin, Beverly T.  
 and the motion lost.  
 Amendment adopted.

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Schotanus, Merle W.

Flint, Gordon B.  
 Peyron, Fredrik  
 Stamatakis, Carol M.

The Committee offered a floor amendment.

**Floor Amendment**

Amend RSA 169-D:10, I as inserted by section 1 of the bill by replacing it with the following:

I. Proceedings under this chapter may be originated in any judicial district in which the child is found or resides.

Amend RSA 169-D:16 as inserted by section 1 of the bill by deleting paragraph II and renumbering the original paragraphs III-IV to read as II and III, respectively.

Amend RSA 169-D:24 as inserted by section 1 of the bill by deleting paragraph IV and renumbering the original paragraph V to read as IV.

Floor amendment adopted.

Report adopted.

Ordered to third reading.

Rep. Pelley notified the Clerk that she inadvertently did not vote and meant to vote yea.

Rep. Jacobson notified the Clerk that he inadvertently voted yea and meant to vote nay.

**HB 298-FN**, lowering the level from .10 to .08 for legal intoxication under the DWI laws. **OUGHT TO PASS WITH AMENDMENT.**

The bill lowers the legal blood alcohol content for DWI from .10 to .08. Testimony indicated that a person's driving skills are greatly impaired at .08 causing a person having more than .08 BAC to become a danger to others on the highways. The bill, as amended, adds a definition of BAC and specifies three digits in reporting BAC concentration. It also requires a statement of probable error in the test. Vote 14-3. Rep. C. William Johnson for Judiciary.

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

lowering the level from .10 to .080 for legal intoxication under the DWI laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Intoxication. Amend RSA 214:20, II to read as follows:

II. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence of the defendant's alcohol concentration, as defined in RSA 259:3-b, [as shown by a chemical analysis of his breath, urine, or blood] *measured to the thousandths place in grams per 100 milliliters. A statement which indicates the probable error of measurement shall be attached to such evidence.* Evidence that there was, at the time alleged, an alcohol concentration of [0.05] *0.050* or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of from [0.05] *0.050* to [0.10] *0.080* is relevant evidence but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] *0.080* or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

2 Evidence; OHRVs. Amend RSA 215-A:11-c to read as follows:

215-A:11-c Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA 215-A relative to the operation of off highway recreational vehicles by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as [shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or blood] *defined in RSA 259:3-b, measured to the thousandths place in grams per 100 milliliters. A statement which indicates the probable error of measurement shall be attached to such evidence.* Evidence that there was, at the time alleged, an alcohol concentration of [0.10] *0.080* or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than [0.05] *0.050* and less than [0.10] *0.080* is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence

that the defendant had, at the time alleged, an alcohol concentration of [0.05] **0.050** or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

3 Definition of Alcohol Concentration Expanded. Amend RSA 259:3-b to read as follows:

259:3-b Alcohol Concentration. "Alcohol concentration" shall mean [either] grams of alcohol per 100 milliliters of blood[, grams of alcohol per 67 milliliters of urine, or grams of alcohol per 210 liters of breath]. *Measurements may be made in blood, urine, or breath by chemical, infrared molecular absorption, gas chromatography or other suitable means, but all measurement results shall be converted to give the equivalent grams of alcohol per 100 milliliters of blood, or g/(100 mL), under standard conditions. Measurements expressed in percent shall be deemed to mean g/(100 mL).*

4 Driving Under the Influence. Amend RSA 265:82, I(b) to read as follows:

(b) While he has an alcohol concentration of [0.10] **0.080** or more.

5 Aggravated Driving Under Influence. Amend the introductory paragraph of RSA 265:82-a, II to read as follows:

II. While he has an alcohol concentration of [0.10] **0.080** or more and, at the time alleged:

6 Annulment; Plea Bargaining. Amend RSA 265:82-c to read as follows:

265:82-c Annulment; Plea Bargaining.

I. Notwithstanding the provisions of RSA 651:5, no court shall order an annulment of any record of conviction of driving or attempting to drive a vehicle upon any way while under the influence of intoxicating liquor or any controlled drug or while having an alcohol concentration of [0.10] **0.080** or more or of aggravated drunken driving until 7 years after the date of conviction.

II. Notwithstanding any other provision of law to the contrary, in any case in which a person is arrested for and charged with the offense of driving or attempting to drive a vehicle on any way while under the influence of intoxicating liquor or drugs or while having an alcohol concentration of [0.10] **0.080** or more and that charge is reduced from a second or subsequent offense to a first offense or in which the original charge is reduced to or in any manner substituted with another charge or a nolle prosequi entered in exchange for an agreement to plead guilty or nolo contendere to another charge, the prosecutor shall submit to the attorney general a written report describing such agreement. All such written reports shall be submitted to the attorney general on a monthly basis. The report shall contain such information as the attorney general shall prescribe; provided, however, that he shall not be subject to the provisions of RSA 541-A in prescribing such information. The report required by this paragraph shall be a public record and shall be available for public inspection as provided in RSA 91-A:4.

III. Notwithstanding any other provision of law to the contrary, if a person is arrested for driving or attempting to drive a motor vehicle upon any way while under the influence of intoxicating liquor or drugs or while having an alcohol concentration of [0.10] **0.080** or more, no prosecutor shall enter into any agreement with such person or such person's attorney if such agreement would result in a charge that removed the case from consideration under any provision of RSA 259-RSA 266. The provisions of this paragraph, however, shall not prevent the bringing of any charge under RSA 630:2 or RSA 630:3.

7 Implied Consent. Amend RSA 265:84 to read as follows:



265:84 Implied Consent of Driver of Motor Vehicle to Submit to Testing to Determine Alcohol Concentration. Any person who drives a vehicle upon the ways of this state shall be deemed to have given consent to [a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath,] *an alcohol concentration test, as defined in RSA 259:3-b*, for the purpose of determining the controlled drug content of his blood or his alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of [0.10] *0.080* or more. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of [0.10] *0.080* or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

8 Evidence: Serious Traffic Offenses. Amend RSA 265:89 to read as follows:

265:89 Evidence. Upon complaint, information, indictment or trial of any person charged with the violation of RSA 265:82 or 265:82-a, the court may admit evidence of the defendant's alcohol concentration, as [shown by a test of his breath, blood, or urine] *defined in RSA 259:3-b, measured to the thousandths place in grams per 100 milliliters*, as provided in RSA 265:84. *A statement which indicates the probable error of measurement shall be attached to such evidence.* Evidence that there was, at the time alleged, an alcohol concentration of [0.05] *0.050* or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.05 and less than [0.10] *0.080* is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor; but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] *0.080* or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. In addition, evidence that there was, at the time alleged, an alcohol concentration of [0.10] *0.080* or more shall, in conjunction with the evidence otherwise required by RSA 265:82, I(b) of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265:82, I(b); and evidence that there was, at the time alleged, an alcohol concentration of [0.10] *0.080* or more shall, in conjunction with the evidence otherwise required by RSA 265:82-a, II of driving or attempting to drive a vehicle upon a way and of one or more of the circumstances specified in RSA 265:82-a, II (a), (b) and (c), constitute a separate offense under RSA 265:82-a, II; and evidence that there was, at the time alleged, an alcohol concentration of [0.20] *0.200* or more shall, in conjunction with the evidence otherwise required by RSA 265:82-a, III of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265:82-a, III.

9 Refusal of Consent. Amend RSA 265:92, II(a) to read as follows:

(a) That he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a vehicle upon the ways of this state as defined in RSA 259:125, II, while under the influence of intoxicating liquor or controlled drugs or while the arrested person had an alcohol concentration of [0.10] *0.080* or more;

10 Preliminary Breath Test. Amend RSA 265:92-a. I to read as follows:

I. Any police officer, who has been certified by the police standards and training council according to standards for such certification contained in rules adopted by said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been driving or operating a vehicle on a way while under the influence of intoxicating liquor or controlled drug or while the person's alcohol concentration was [0.10] *0.080* or more may, without making an arrest, request that such person submit to a preliminary breath test for alcohol concentration to be administered by the officer. The results of this test shall not be admissible in evidence by the prosecution, and failure to submit to the test shall not constitute a violation of this chapter. Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 265:84. The police officer requesting the test shall advise orally and in writing the person to be tested that his failure to take the test or his taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 265:84. The results of the test shall be furnished immediately in writing to the person tested by the police officer administering the test.

11 Evidence; Boating Implied Consent. Amend RSA 270:51 to read as follows:

270:51 Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA 631:5 relative to the operation of boats by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as [shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or blood] *defined in RSA 259:3-b, measured to the thousandths place in grams per 100 milliliters. A statement which indicates the probable error of measurement shall be attached to such evidence.* Evidence that there was, at the time alleged, an alcohol concentration of [0.10] *0.080* or more, is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that the defendant had at the time alleged, an alcohol concentration of more than [0.05] *0.050* and less than [0.10] *0.080* is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of [0.05] *0.050* or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

12 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill lowers the alcohol concentration legal intoxication level from .10 to .080 in laws relating to DWI for motor vehicles, boats and OHRVs and in the law relating to hunting while intoxicated.

Rep. C. William Johnson spoke against the amendment and yielded to questions. Amendment lost.

Rep. Nielsen spoke in favor of the bill and yielded to questions.

Rep. Jacobson spoke to the bill and yielded to questions.

Adopted.

Ordered to third reading.

**HB 350-FN**, relative to negligent homicide. OUGHT TO PASS WITH AMENDMENT.

The Committee agreed with the sponsors that it is a tragedy when a woman suffers the loss of a pregnancy due to someone's negligence or deliberate actions. The Committee has made it a Class A felony for purposely or knowingly causing the loss and a Class B felony for recklessly or negligently causing the loss. These penalties are the same as the sponsors requested in the original bill. Vote 14-0. Rep. Donnalee M. Lozeau for Judiciary.

### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to assault.

Amend the bill by replacing all after the enacting clause with the following:

1 First Degree Assault. Amend RSA 631:1 to read as follows:

631:1 First Degree Assault.

*I. A person is guilty of a class A felony if he:*

*[I.](a) Purposely causes serious bodily injury to another; or*

*[II.](b) Purposely or knowingly causes bodily injury to another by means of a deadly weapon, except that if the deadly weapon is a firearm, he shall be sentenced in accordance with RSA 651:2, II-g[.]; or*

*(c) Purposely or knowingly causes injury to another resulting in miscarriage or stillbirth.*

*II. In this section:*

*(a) "Miscarriage" means the interruption of the normal development of the fetus other than by a live birth and not an induced abortion, resulting in the complete expulsion or extraction of a fetus; and*

*(b) "Stillbirth" means the death of a fetus prior to complete expulsion or extraction and not an induced abortion.*

2 Second Degree Assault. Amend RSA 631:2 to read as follows:

631:2 Second Degree Assault.

*I. A person is guilty of a class B felony if he:*

*[I.](a) Knowingly or recklessly causes serious bodily injury to another; or*

*[II.](b) Recklessly causes bodily injury to another by means of a deadly weapon, except that if the deadly weapon is a firearm, he shall be sentenced in accordance with RSA 651:2, II-g; or*

*[III.](c) Recklessly causes bodily injury to another under circumstances manifesting extreme indifference to the value of human life; or*

*[IV.](d) Purposely or knowingly causes bodily injury to a child under 13 years of age[.]; or*

*(e) Recklessly or negligently causes injury to another resulting in miscarriage or stillbirth.*

*II. In this section:*

*(a) "Miscarriage" means the interruption of the normal development of the fetus other than by a live birth and not an induced abortion, resulting in the complete expulsion or extraction of a fetus; and*

(b) "Stillbirth" means the death of a fetus prior to complete expulsion or extraction and not an induced abortion.

3 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill allows a person to be charged under the assault laws for causing injury to another which results in a miscarriage or stillbirth.

Rep. Pepino spoke against the amendment and yielded to questions.

Rep. Spencer spoke in favor and yielded to questions.

Rep. Barberia spoke against.

Rep. Burling spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the amendment.

#### YEAS 218

#### NAYS 103

#### YEAS 218

#### BELKNAP

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Maviglio, Steven R.  
Turner, Robert H.

Cain, Thomas G.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Salatiello, Thomas B.  
Ziegra, Alice S.

#### CARROLL

Bradley, Jeb E.  
Wiggin, Allen R.

Chandler, Gene G.  
Wiggin, Gordon E.

Foster, Robert W.

#### CHESHIRE

Burnham, Daniel M.  
Cole, Stacey W.  
Feuer, Joseph N.  
Hogan, James B.  
Kingsbury, H. Thayer  
Spear, Susan S.

Champagne, Richard L.  
Crutchley, Donald O.  
Foster, Katherine D.  
Hunt, John B.  
Lynch, Margaret A.

Clark, Eugene W.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kennison, Wayne A.  
Pratt, Irene A.

#### COOS

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Oliver, Terry D.

Coulombe, Henry W.  
Mayhew, Josephine  
Therault, Romeo J.

Guay, Lawrence J.  
Nelson, Harold D.

#### GRAFTON

Adams, Carl S.  
Chambers, Mary P.  
Driscoll, William J.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Ward, Kathleen W.

Arnesen, Deborah L.  
Christy, C. Dana  
Guest, Robert H.  
McIlwaine, Deborah P.  
Scanlan, David M.  
Trelfa, Richard T.  
White, Paul R.

Brown, Channing T.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Wadsworth, Karen O.

#### HILLSBOROUGH

Alukonis, David J.  
Buckley, Raymond  
Clemons, Jane A.  
Daigle, Robert A.

Amidon, Eleanor H.  
Calawa, Leon, Jr.  
Cote, David E.  
Desrosiers, William J.

Baroody, Benjamin C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Domaingue, Jacquelyn M.



Drabinowicz, A. Theresa  
 Dwyer, Patricia R.  
 Gage, Ruth E.  
 Green, Scott E.  
 Hall, Betty B.  
 Holden, Carol H.  
 Kelley, Dana F.  
 Kurk, Neal M.  
 Laughlin, J. Francis  
 Mason, Howard F.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Soucy, Donna M.  
 Upton, Barbara A.

Drolet, Paul L.  
 Ferguson, Charles  
 Gagnon, Eugene L.  
 Greenglass, Alan B.  
 Hanselman, Gregory L.  
 Hultgren, David D.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Paquette, Rodolphe G.  
 Robinson, Ellen-Ann  
 Tarpley, Nancy L.  
 Wheeler, Robert L.

Durham, Susan B.  
 Ford, Nancy M.  
 Goulet, Maurice E.  
 Haettenschwiler, Alphonse  
 Healy, Walter F.  
 Johnson, Lionel W.  
 King, Frank P.  
 Larochelle, Roger B.  
 Martin, Mary Ellen  
 McDowell, James E.  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Pignatelli, Debora B.  
 Smith, Leonard A.  
 Tate, Joan C.  
 White, John M.

### MERRIMACK

Apple, Lowell D.  
 Carter, Susan D.  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Jelley, Francis D.  
 Lewis, Mary Ann  
 Soldati, Jennifer G.  
 Wallner, Mary Jane

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Teague, Bert  
 Yeaton, Charles B.

Braiterman, Thea  
 Chandler, John P.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Jacobson, Alf E.  
 Johnson, Joyce M.  
 Molner, Mary E.  
 Trombly, Rick A.

### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Conroy, Janet M.  
 Flanders, John W., Sr.  
 Griebsch, Linda  
 Hoelzel, Kathleen M.  
 Kane, Cecelia D.  
 McKinney, Betsy  
 Rosencrantz, James R.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Vaughn, Charles L.

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Coffey, John J.  
 Cooke, Annette M.  
 Ford, Bert H.  
 Haynes, Richard  
 Hynes, Carolyn E.  
 Lovejoy, Virginia K.  
 Packard, Sherman A.  
 Rubin, George R.  
 Splaine, John E., Sr.  
 Terninko, Margaret B.  
 Warburton, Calvin

Benton, Richardson D.  
 Chulack, Peter G., Sr.  
 Connell, David R.  
 DiPietro, Carmela M.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Magoon, Harold F.  
 Raynowska, Bernard J.  
 Seward, Russell G.  
 Syracuse, Anthony  
 Tufts, Arthur  
 Weyler, Kenneth L.

### STRAFFORD

Bickford, Drucilla  
 Flynn, Edward J.  
 Hashem, Elaine M.  
 Kincaid, William K.

Brown, Julie M.  
 Frechette, Roland A.  
 Jankowski, Peter M.  
 Kinney, Paula J.

Corte, Arthur B.  
 Gilmore, Gary R.  
 Keans, Sandra B.  
 Merrill, Amanda A.

Nehring, William H.  
Pelley, Janet R.  
Torr, Ann M.  
Wheeler, Katherine W.

O'Brien, John  
Spencer, Leo J.  
Tsiros, William

Parks, Joe B.  
Sullivan, Henry P.  
Vincent, Francis C.

### SULLIVAN

Allison, David C.  
Harland, Jane A.  
Schotanus, Merle W.  
Walsh, Robert R.

Burling, Peter Hoe  
Lindblade, Eric N.  
Stamatakis, Carol M.

Flint, Gordon B.  
Middleton, John A.  
Tetu, Michael A.

### NAYS 103 BELKNAP

Accornero, Harry  
Shibley, Arnold P.

Holbrook, Robert G.  
Zaharchuk, Peter J., Jr.

Rosen, Ralph J.

### CARROLL

Beach, Mildred A.  
Dodge, A. Gibb, Jr.

Daly, Robert J., Jr.  
Jean, Robert R.

Dickinson, Howard C.

### CHESHIRE

LaMar, David M.  
Pearson, Gertrude B.

Laurent, John J.  
Perry, David M.

Metzger, Katherine H.  
Sawyer, Alfred P.

### COOS

Brungot, Catherine V.  
Merrill, Gerald P.

Hawkinson, Marie C.  
Pratt, Leighton C.

Kilbride, Dennis J.

### GRAFTON

Brown, Patricia B.  
Shackett, Ralph E.

Dow, David

Hill, Richard L.

### HILLSBOROUGH

Andrews, Frederick B.  
Crotty, Edward J.  
Donovan, Francis X.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Healy, Daniel J.  
L'Heureux, Robert J.  
Leclerc, Charles J.  
Ouellette, Robert O.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Steiner, Lee Anne  
Vanderlosk, Stanley R.

Bourque, Ann J.  
Daniels, Gary L.  
Dyer, Merton S.  
Fenton, James J.  
Gagnon, Gabrielle V.  
Jasper, Shawn N.  
Lawrence, Eva M.  
McNerney, Daniel P.  
Pepino, Leo P.  
Rheault, Lillian I.  
Sallada, Roland A.  
Stiles, Walter A.  
Wheeler, David K.

Bowers, Dorothy C.  
Dodge, Emma M.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Keane, Cornelius J.  
Lawrence, Norman B.  
Nardi, Theodora P.  
Perham, Lester R.  
Riley, Frances L.  
Searles, Stanley N., Sr.  
Turgeon, Roland M.  
Wright, George W.

### MERRIMACK

Barberia, Richard A.  
Letourneau, George E.  
Stapleton, Henry F.

Christie, Thomas J.  
Nichols, Avis B.  
Stio, Peter M.

Daneault, Gabriel J.  
Smith, Gerald R.  
Weeks, John F., Jr.

**ROCKINGHAM**

|                        |                      |                         |
|------------------------|----------------------|-------------------------|
| Boucher, William P.    | Brown, Jeffrey M.    | Dowd, Sandra K.         |
| Dowling, Patricia A.   | Dube, LeRoy S.       | Falwell, Robert V.      |
| Felch, Charles H., Sr. | Flanagan, Natalie S. | Flanders, David A.      |
| Katsakiores, George N. | Keith, Brenda E.     | Klemarczyk, Thaddeus E. |
| MacKinnon, Nancy W.    | Malcolm, Kenneth W.  | McCarthy, John J., Jr.  |
| Palazzo, Frank J.      | Schanda, Joseph, Sr. | Smith, Arthur W.        |
| Sytek, John J.         | Thayer, Leroy C.     | Welch, David A.         |
| Woods, Deborah L.      |                      |                         |

**STRAFFORD**

|                    |                    |                   |
|--------------------|--------------------|-------------------|
| Appleby, James E.  | Douglass, Clyde J. | Foss, Patricia H. |
| Marston, Robert E. |                    |                   |

**SULLIVAN**

|                       |                  |                     |
|-----------------------|------------------|---------------------|
| Behrens, Thomas A.    | Domini, Irene C. | Krueger, Richard H. |
| Rodeschin, Beverly T. |                  |                     |

and the amendment was adopted.

Report adopted.

Ordered to third reading.

Rep. Weeks notified the Clerk that he inadvertently voted nay and meant to vote yea.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

**HB 485**, relative to living wills. **OUGHT TO PASS WITH AMENDMENT.**

This bill carries into law, our desire not to have forced feeding or hydration as per our living will which will allow one to have instruction to discontinue artificial nutrition and hydration in the absence of one's ability to give directions regarding the use of such life-sustaining procedures. It is one's intention that this declaration shall be honored by one's family and physicians, and to keep one as comfortable as is knowingly possible, but allowing one to die. This act will take place upon its passage. Vote 11-2. Rep. Alice B. Record for Judiciary.

**Amendment**

Amend RSA 137-H:2, II as inserted by section 3 of the bill by replacing it with the following:

II. "Life-sustaining procedures" means any medical procedure or intervention which utilizes mechanical or other artificial means to sustain, restore, or supplant a vital function, which, in the written judgment of the attending physician and a consulting physician, when applied to the qualified patient, would serve only to artificially postpone the moment of death, and where, in the written judgment of the attending physician and the consulting physician, the patient is in a terminal condition *or is permanently unconscious*. "Life-sustaining procedures" shall not include the administration of medication, sustenance, or the performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.

Amend the bill by replacing section 5 with the following:

5 New Paragraphs; Definitions Added. Amend RSA 137-H:2 by inserting after paragraph VI the following new paragraphs:

VII. "Permanently unconscious" means a lasting condition, indefinitely and without change, in which thought, awareness of self and environment, and all other

indicia of consciousness are absent as determined by the attending physician and a consulting physician.

VIII. "Artificial nutrition and hydration" means invasive procedures such as but not limited to the following: nasogastric tubes; gastrostomy tubes; intravenous feeding or hydration; and hyperalimentation. It shall not include sustenance.

IX. "Sustenance" means the natural ingestion of food or fluids by eating and drinking.

Amend RSA 137-H:3 as inserted by section 6 of the bill by replacing it with the following:

137-H:3 [Terminal Care Document] *Living Will*. A person of sound mind who is 18 years of age or older may execute at any time a document commonly known as a [terminal care document] *living will*, directing that no life-sustaining procedures be used to prolong his life when he is in a terminal condition *or is permanently unconscious*. The document shall only be effective if the person is permanently incapable of participating in decisions about his care, and it may be, but need not be, in form and substance substantially as follows:

#### DECLARATION

Declaration made this \_\_\_\_\_ day of \_\_\_\_\_ (month, year). I, \_\_\_\_\_, being of sound mind, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below. do hereby declare:

If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition *or a permanently unconscious condition* by 2 physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not life-sustaining procedures are utilized *or that I will remain in a permanently unconscious condition* and where the application of life-sustaining procedures would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication, sustenance, or the performance of any medical procedure deemed necessary to provide me with comfort care. *I realize that situations could arise in which the only way to allow me to die would be to discontinue artificial nutrition and hydration. In carrying out any instruction I have given under this section, I authorize that artificial nutrition and hydration not be started or, if started, be discontinued. (yes) (no) (Circle your choice and initial beneath it. If you do not choose "yes", artificial nutrition and hydration will be provided and will not be removed.)* In the absence of my ability to give directions regarding the use of such life-sustaining procedures, it is my intention that this declaration shall be honored by my family and physicians as the final expression of my right to refuse medical or surgical treatment and accept the consequences of such refusal.

I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Signed \_\_\_\_\_  
State of \_\_\_\_\_

\_\_\_\_\_, County  
We, the [declarant and] *following* witnesses, being duly sworn each declare to the notary public or justice of the peace or other official signing below as follows:



1. The declarant signed the instrument as a free and voluntary act for the purposes expressed, or expressly directed another to sign for him.
2. Each witness signed at the request of the declarant, in his presence, and in the presence of the other witness.
3. To the best of my knowledge, at the time of the signing the declarant was at least 18 years of age, and was of sane mind and under no constraint or undue influence.

[ Declarant ]

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

The affidavit shall be made before a notary public or justice of the peace or other official authorized to administer oaths in the place of execution, who shall not also serve as a witness, and who shall complete and sign a certificate in content and form substantially as follows:

Sworn to and signed before me by \_\_\_\_\_, declarant \_\_\_\_\_  
and \_\_\_\_\_, witnesses on \_\_\_\_\_

\_\_\_\_\_  
Signature

#### Official Capacity

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-19 to read as 8-20, respectively:

7 Execution and Witness. Amend RSA 137-H:4 to read as follows:

137-H:4 Execution and Witness. The document set forth in RSA 137-H:3 shall be executed by the person making the same in the presence of 2 or more subscribing witnesses, none of whom shall be the person's spouse, heir at law, attending physician or person acting under the direction or control of the attending physician or any other person who has at the time of the witnessing thereof any claims against the estate of the person, and shall be acknowledged pursuant to the provisions of RSA 456 or RSA 456-A. *If the person making the document is a resident of a health care facility or patient in a hospital, no more than one witness may be the health care provider or such provider's employee.*

Amend the bill by replacing all after section 17 with the following:

18 Reference Change. Amend RSA 137-H:15 to read as follows:

137-H:15 Penalty. A person who knowingly and falsely makes, alters, forges, or counterfeits, or knowingly and falsely causes to be made, altered, forged or counterfeited, or procures, aids or counsels the making, altering, forging, or counterfeiting, of a [terminal care document] *living will* or revocation with the intent to injure or defraud a person shall be guilty of a class B felony, notwithstanding any provisions in title LXII.

19 Repeal. RSA 137-H:14, III, relative to persons who are patients in health care facilities, is repealed.

20 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill authorizes a person to execute a living will to express direction that no life-sustaining procedures be taken when such person is in a permanently unconscious condition as certified by 2 physicians and to specify that artificial nutrition and hydration not be provided. Artificial nutrition and hydration does not include the natural ingestion of food or fluids by eating and drinking.

This bill changes the terminology of such a document from a terminal care document to a living will.

Rep. Daniels moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Record spoke against.

Rep. Burling spoke against and yielded to questions.

Rep. Moore spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

### YEAS 38

### NAYS 300

#### YEAS 38

#### BELKNAP

Accornero, Harry

Zaharchuk, Peter J., Jr.

#### CARROLL

None

#### CHESHIRE

Laurent, John J.

#### COOS

Guay, Lawrence J.

#### GRAFTON

Dow, David

Nielsen, Niels F., Jr.

#### HILLSBOROUGH

Baroody, Benjamin C.

Bourque, Ann J.

Daniels, Gary L.

Elliott, Larry G.

Gosselin, Gerald O.

Healy, Daniel J.

Healy, Walter F.

Hultgren, David D.

Larochelle, Roger B.

Lawrence, Eva M.

Lawrence, Norman B.

Nardi, Theodora P.

Ouellette, Robert O.

Paquette, Rodolphe G.

Riley, Frances L.

Wheeler, David K.

Wheeler, Robert L.

Wright, George W.

#### MERRIMACK

Barberia, Richard A.

Christie, Thomas J.

Letourneau, George E.

Stio, Peter M.

#### ROCKINGHAM

Coffey, John J.

Dube, LeRoy S.

Flanagan, Natalie S.

Ford, Bert H.

Gribsch, Linda

Hoelzel, Kathleen M.

Keith, Brenda E.

Rosencrantz, James R.

Welch, David A.

#### STRAFFORD

Sullivan, Henry P.

#### SULLIVAN

None

#### NAYS 300

#### BELKNAP

Bartlett, Gordon E.

Cain, Thomas G.

Campbell, Richard H., Jr.

Dewhirst, Glenn E.

Hawkins, Robert S.

Holbrook, Robert G.

Johnson, Carl R.

Joscelyn, William W.

Maviglio, Steven R.

Rice, Thomas E. P., Jr.  
Shibley, Arnold P.  
Ziegra, Alice S.

Rosen, Ralph J.  
Turner, Robert H.

Salatiello, Thomas B.  
Vogler, Charles C.

### CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Allen R.

Bradley, Jeb E.  
Dickinson, Howard C.  
Jean, Robert R.  
Wiggin, Gordon E.

### CHESHIRE

Burnham, Daniel M.  
Crutchley, Donald O.  
Feuer, Joseph N.  
Hogan, James B.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Perry, David M.  
Spear, Susan S.

Champagne, Richard L.  
DePecol, Benjamin J.  
Foster, Katherine D.  
Hunt, John B.  
LaMar, David M.  
Morse, Jo Ann T.  
Pratt, Irene A.

Clark, Eugene W.  
Doucette, Richard F.  
Grodin, Richard A.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

### COOS

Brungot, Catherine V.  
Hawkinson, Marie C.  
Mayhew, Josephine  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Nelson, Harold D.  
Therault, Romeo J.

### GRAFTON

Adams, Carl S.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Teschner, Douglass P.  
Ward, Kathleen W.

Arnesen, Deborah L.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Shackett, Ralph E.  
Trelfa, Richard T.  
White, Paul R.

Bean, Pamela B.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Stewart, Roger D.  
Wadsworth, Karen O.

### HILLSBOROUGH

Ahrens, Frederick G.  
Andrews, Frederick B.  
Bowers, Dorothy C.  
Clemons, Jane A.  
Daigle, Robert A.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Fenton, James J.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Green, Scott E.  
Haettenschwiller, Alphonse  
Holden, Carol H.  
Keane, Cornelius J.

Alukonis, David J.  
Baker, George H., Sr.  
Buckley, Raymond  
Cote, David E.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Dyer, Merton S.  
Ferguson, Charles  
Ford, Nancy M.  
Gagnon, Gabrielle V.  
Greenglass, Alan B.  
Hall, Betty B.  
Jasper, Shawn N.  
Kelley, Dana F.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.  
Durham, Susan B.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gage, Ruth E.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Johnson, Lionel W.  
Kelley, Robert N.

King, Frank P.  
 Lachut, Ervin R.  
 Lefebvre, Roland J.  
 Mason, Howard F.  
 McNERney, Daniel P.  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Perham, Lester R.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Searles, Stanley N., Sr.  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Vanderlosk, Stanley R.

Kurk, Neal M.  
 Laughlin, J. Francis  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Packard, Bonnie B.  
 Peters, Stanley W.  
 Reidy, Frank J.  
 Rothhaus, Finlay C.  
 Smith, Leonard A.  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 White, John M.

L'Heureux, Robert J.  
 Leclerc, Charles J.  
 Martin, Mary Ellen  
 McDowell, James E.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Pepino, Leo P.  
 Pignatelli, Debora B.  
 Rheault, Lillian I.  
 Sallada, Roland A.  
 Soucy, Donna M.  
 Tarpley, Nancy L.  
 Upton, Barbara A.

### MERRIMACK

Apple, Lowell D.  
 Braiterman, Thea  
 Chandler, John P.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jelley, Francis D.  
 Kidder, William F.  
 Millard, Elizabeth S.  
 Smith, Gerald R.  
 Teague, Bert

Asplund, Bronwyn L.  
 Carter, Susan D.  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, C. William  
 Lewis, Mary Ann  
 Molner, Mary E.  
 Soldati, Jennifer G.  
 Trombly, Rick A.

Boucher, Laurent J.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Jacobson, Alf E.  
 Johnson, Joyce M.  
 Lockwood, Robert A.  
 Nichols, Avis B.  
 Stapleton, Henry F.  
 Yeaton, Charles B.

### ROCKINGHAM

Barnes, John S., Jr.  
 Boucher, William P.  
 Campbell, Marilyn R.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 Falwell, Robert V.  
 Flanders, Harry E.  
 Haynes, Richard  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Roulston, Donald L.  
 Seward, Russell G.  
 Splaine, John E., Sr.  
 Sytek, John J.  
 Vaughn, Charles L.  
 Woods, Deborah L.

Bell, Juanita L.  
 Brown, Jeffrey M.  
 Caswell, Albert, Jr.  
 Clark, Martha Fuller  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Palazzo, Frank J.  
 Rubin, George R.  
 Skinner, Patricia M.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Warburton, Calvin

Benton, Richardson D.  
 Bucu, Stephen W.  
 Christie, Andrew, Jr.  
 Connell, David R.  
 Dowd, Sandra K.  
 Flanders, David A.  
 Gage, Beverly A.  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 MacKinnon, Nancy W.  
 McCain, William F.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Smith, Arthur W.  
 Sytek, Donna P.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.



**STRAFFORD**

|                     |                       |                     |
|---------------------|-----------------------|---------------------|
| Appleby, James E.   | Bickford, Drucilla    | Brown, Julie M.     |
| Corte, Arthur B.    | Douglass, Clyde J.    | Flynn, Edward J.    |
| Foss, Patricia H.   | Frechette, Roland A.  | Gilmore, Gary R.    |
| Jankowski, Peter M. | Keans, Sandra B.      | Kinney, Paula J.    |
| Marston, Robert E.  | Merrill, Amanda A.    | Nehring, William H. |
| O'Brien, John       | Pageotte, Donald P.   | Parks, Joe B.       |
| Pelley, Janet R.    | Torr, Ann M.          | Tsiros, William     |
| Vincent, Francis C. | Wheeler, Katherine W. |                     |

**SULLIVAN**

|                      |                       |                     |
|----------------------|-----------------------|---------------------|
| Allison, David C.    | Behrens, Thomas A.    | Burling, Peter Hoe  |
| Domini, Irene C.     | Flint, Gordon B.      | Harland, Jane A.    |
| Krueger, Richard H.  | Lindblade, Eric N.    | Middleton, John A.  |
| Peyron, Fredrik      | Rodeschin, Beverly T. | Schotanus, Merle W. |
| Stamatakis, Carol M. | Tetu, Michael A.      | Walsh, Robert R.    |

and the motion lost.

Rep. Hambrick notified the Clerk that she wished to be recorded in opposition to the motion.

Rep. Daniel Healy moved that the bill be indefinitely postponed, spoke to his motion and withdrew his motion.

Amendment Adopted.

Report adopted.

Ordered to third reading.

Rep. Rosencrantz notified the Clerk that he inadvertently voted yea and meant to vote nay.

**REGULAR CALENDAR**

**HB 464**, relative to plant closing notification. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

MAJORITY: The Committee heard numerous testimonies and considered several proposed amendments. The majority of the Committee felt this bill would have an undue burden on approximately 2,500 employers. It felt that the employers would be unable to monitor the regulations of this bill.

The Committee further felt that this bill would inhibit businesses from relocating in New Hampshire and might encourage businesses currently here to leave. Vote 7-6. Reps. Arthur W. Smith, Carl R. Johnson and Larry G. Elliott for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: This is not anti-business legislation. It is simply an attempt to give the workers of New Hampshire fair treatment and reasonable notice if they lose their jobs. New Hampshire's unemployment rate has risen sharply in the past year, causing widespread emotional and financial distress. Currently, only .2 percent of the state's workforce is covered by the federal plant closing law. This bill provides significant protection for New Hampshire employers who are trying to stay in business. Rep. John E. Splaine for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Trombly moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Rep. Dow spoke against.

Rep. LaMott spoke in favor.

Rep. Turner spoke against.

Rep. Baroody spoke in favor and yielded to questions.

Rep. Hawkins spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

### YEAS 142

Maviglio, Steven R.

Bradley, Jeb E.

Dodge, A. Gibb, Jr.

Wiggin, Gordon E.

Burnham, Daniel M.

Cole, Kenneth A.

Foster, Katherine D.

Metzger, Katherine H.

Riley, William A.

Coulombe, Henry W.

Mayhew, Josephine

Oliver, Terry D.

Adams, Carl S.

Copenhaver, Marion L.

Nielsen, Niels F., Jr.

Teschner, Douglass P.

Baker, George H., Sr.

Bourque, Ann J.

Clemons, Jane A.

Daigle, Robert A.

Ferlan, Arthur P.

Gagnon, Gabrielle V.

Haettenschwiller, Alphonse

Healy, Walter F.

King, Frank P.

Lefebvre, Roland J.

McDowell, James E.

Nardi, Theodora P.

Paquette, Rodolphe G.

Soucy, Donna M.

White, John M.

Rosen, Ralph J.

Daly, Robert J., Jr.

Jean, Robert R.

Champagne, Richard L.

DePecol, Benjamin J.

LaMar, David M.

Pearson, Gertrude B.

Spear, Susan S.

Hawkinson, Marie C.

Merrill, Gerald P.

Pratt, Leighton C.

Arnesen, Deborah L.

LaMott, Paul I.

Nordgren, Sharon L.

### HILLSBOROUGH

Baldizar, Barbara J.

Buckley, Raymond

Cote, David E.

Drabinowicz, A. Theresa

Ford, Nancy M.

Gosselin, Gerald O.

Hall, Betty B.

Jordan, Mary H.

L'Heureux, Robert J.

Martin, Mary Ellen

Messier, Irene M.

O'Rourke, Joanne A.

Pignatelli, Debora B.

Tarpley, Nancy L.

### MERRIMACK

Daneault, Gabriel J.

Jacobson, Alf E.

Johnson, Joyce M.

### NAYS 200

Salatiello, Thomas B.

Dickinson, Howard C.

Wiggin, Allen R.

Clark, Eugene W.

Doucette, Richard F.

Lynch, Margaret A.

Pratt, Irene A.

Kilbride, Dennis J.

Nelson, Harold D.

Therault, Romeo J.

Chambers, Mary P.

McIlwaine, Deborah P.

Stewart, Roger D.

Baroody, Benjamin C.

Chasse, Richard D.

Crotty, Edward J.

Dwyer, Patricia R.

Gage, Ruth E.

Green, Scott E.

Hanselman, Gregory L.

Keane, Cornelius J.

Laughlin, J. Francis

Mason, Howard F.

Moore, Elizabeth A.

Packard, Bonnie B.

Reidy, Frank J.

Turgeon, Roland M.

Dunn, Miriam D.

Jelley, Francis D.

Letourneau, George E.

Millard, Elizabeth S.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Molner, Mary E.  
Stio, Peter M.  
Yeaton, Charles B.

Smith, Gerald R.  
Trombly, Rick A.

### ROCKINGHAM

Bell, Juanita L.  
Clark, Martha Fuller  
Dowling, Patricia A.  
Hutchinson, Karen K.  
Kane, Cecelia D.  
Packard, Sherman A.  
Syracusa, Anthony  
Warburton, Calvin

Brown, Jeffrey M.  
Connell, David R.  
Dube, LeRoy S.  
Hynes, Carolyn E.  
MacDonald, Joseph A.  
Schanda, Joseph, Sr.  
Terninko, Margaret B.  
Woods, Deborah L.

Caswell, Albert, Jr.  
DiPietro, Carmela M.  
Griebsch, Linda  
Johnson, Robert A.  
McGovern, Cynthia A.  
Splaine, John E., Sr.  
Vaughn, Charles L.

### STRAFFORD

Gilmore, Gary R.  
Merrill, Amanda A.  
Parks, Joe B.  
Wheeler, Katherine W.

Jankowski, Peter M.  
O'Brien, John  
Pelley, Janet R.

Keans, Sandra B.  
Pageotte, Donald P.  
Sullivan, Henry P.

### SULLIVAN

Allison, David C.  
Stamatakis, Carol M.

Burling, Peter Hoe  
Tetu, Michael A.

Harland, Jane A.  
Walsh, Robert R.

### NAYS 200

### BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

Cain, Thomas G.  
Hawkins, Robert S.  
Joscelyn, William W.  
Turner, Robert H.

### CARROLL

Allard, Nanci A.  
Foster, Robert W.

Beach, Mildred A.  
Saunders, Howard N.

Chandler, Gene G.

### CHESHIRE

Crutchley, Donald O.  
Hogan, James B.  
Kingsbury, H. Thayer  
Perry, David M.

Feuer, Joseph N.  
Hunt, John B.  
Laurent, John J.  
Sawyer, Alfred P.

Grodin, Richard A.  
Kennison, Wayne A.  
Morse, Jo Ann T.

### COOS

Brungot, Catherine V.  
Horton, Lynn C.

Buckley, C. Fitzgerald

Guay, Lawrence J.

**GRAFTON**

Bean, Pamela B.  
Christy, C. Dana  
Hill, Richard L.  
Scanlan, David M.  
Wadsworth, Karen O.

Brown, Channing T.  
Dow, David  
Larson, Nils H., Jr.  
Shackett, Ralph E.  
Ward, Kathleen W.

Brown, Patricia B.  
Driscoll, William J.  
Lougee, Richard W.  
Trelfa, Richard T.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Greenglass, Alan B.  
Hultgren, David D.  
Kelley, Robert N.  
Larochelle, Roger B.  
Lown, Elizabeth D.  
McRae, Karen K.  
Ouellette, Robert O.  
Peters, Stanley W.  
Riley, Frances L.  
Searles, Stanley N., Sr.  
Tate, Joan C.  
Wheeler, David K.

Alukonis, David J.  
Arnold, Barbara E.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Fenton, James J.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Jasper, Shawn N.  
Kurk, Neal M.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Pepino, Leo P.  
Record, Alice B.  
Rothhaus, Finlay C.  
Steiner, Lee Anne  
Upton, Barbara A.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Daniels, Gary L.  
Dodge, Emma M.  
Drolet, Paul L.  
Elliott, Larry G.  
Ferguson, Charles  
Goulet, Maurice E.  
Holden, Carol H.  
Kelley, Dana F.  
Lachut, Ervin R.  
Lawrence, Norman B.  
McNerney, Daniel P.  
Murphy, Robert E.  
Perham, Lester R.  
Rheault, Lillian I.  
Sallada, Roland A.  
Stiles, Walter A.  
Vanderlosk, Stanley R.  
Wright, George W.

**MERRIMACK**

Apple, Lowell D.  
Boucher, Laurent J.  
Chandler, John P.  
Fillion, Paul R.  
Hall, Douglas E.  
Kidder, William F.  
Nichols, Avis B.

Asplund, Bronwyn L.  
Carter, Susan D.  
Christie, Thomas J.  
Gross, Caroline L.  
Hayes, Robert C.  
Lewis, Mary Ann  
Stapleton, Henry F.

Barberia, Richard A.  
Chandler, Earle W.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Hill, Michael J.  
Lockwood, Robert A.  
Teague, Bert

**ROCKINGHAM**

Barnes, John S., Jr.  
Buco, Stephen W.  
Chulack, Peter G., Sr.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Haynes, Richard  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Palazzo, Frank J.

Benton, Richardson D.  
Campbell, Marilyn R.  
Coffey, John J.  
Falwell, Robert V.  
Flanders, David A.  
Ford, Bert H.  
Hoar, John, Jr.  
Keith, Brenda E.  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Raynowska, Bernard J.

Boucher, William P.  
Christie, Andrew Jr.  
Conroy, Janet M.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Klemarczyk, Thaddeus E.  
MacKinnon, Nancy W.  
McCain, William F.  
McNiek, Roy E.  
Rosencrantz, James R.



Roulston, Donald L.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Welch, David A.

Rubin, George R.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

Seward, Russell G.  
 Sytek, Donna P.  
 Tufts, Arthur

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Marston, Robert E.  
 Tsiros, William

Bickford, Drucilla  
 Douglass, Clyde J.  
 Frechette, Roland A.  
 Nehring, William H.  
 Vincent, Francis C.

Brown, Julie M.  
 Flynn, Edward J.  
 Kinney, Paula J.  
 Torr, Ann M.

### SULLIVAN

Behrens, Thomas A.  
 Krueger, Richard H.  
 Peyron, Fredrik

Domini, Irene C.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.

Flint, Gordon B.  
 Middleton, John A.  
 Schotanus, Merle W.

and the motion lost.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

Report adopted.

**HB 653**, relative to defense and indemnification of state officers and employees. **UGHT TO PASS WITH AMENDMENT.**

This bill is to address those lawsuits in which legislators are named as defendants. The bill provides that the Attorney General will represent and defend a legislator who is sued for any duty or action taken in Committee or in sessions of the General Court or in such other forum where the legislator appears at the request of the House or Senate or the presiding officer of either body. This representation will also be available for lawsuits arising out of the exercise of legislative functions and for other acts for which immunity is granted. Legislators will be indemnified for any damages arising out of lawsuits which are covered by RSA 99-D. Vote 10-0. Reps. Ann M. Torr and Susan S. Spear for Legislative Administration.

### Amendment

Amend RSA 99-D:2-a as inserted by section 1 of the bill by replacing it with the following:

99-D:2-a Official Duty Defined. For the purposes of RSA 99-D:2, the term "official duty" shall, in the case of a legislator, mean any duty or action taken in committee or in sessions of the general court or in such other forum where the legislator appears at the request of the house, senate or presiding officer of either body. It shall also include any other act for which immunity is granted under the provisions of RSA 541-B:19. Nothing in this section shall be construed to waive any immunity applicable to the legislator or the actions complained of, including those set forth in RSA 541-B:19, and all other provisions of RSA 99-D:2 shall apply.

### AMENDED ANALYSIS

This bill defines the term "official duty" for purposes of defense and indemnification of legislators by the state.

Rep. Burling spoke in favor.

Amendment adopted.

Report adopted.

Ordered to third reading.

**HB 359-FN**, relative to fees for registration permits for vehicles. **OUGHT TO PASS WITH AMENDMENT.**

This bill as amended would add another step to the schedule of millage rates which are used to calculate motor vehicle registration permit fees. This new rate would only apply to new vehicles. Those vehicles which are currently registered would be grandfathered. It would also change the minimum fee on vehicles whose list price is less than \$2,000, generally tractors and trailers, to \$10. Lastly, the bill would put New Hampshire in conformity with the other 49 states by basing the mill rate on the model year of the vehicle. This portion of the legislation was deemed very important by the Transportation Committee. Rep Klemarczyk represented the Transportation Committee on the Subcommittee. Please note the revised fiscal note. Vote 17-0. Rep. John S. Barnes for Municipal and County Government.

### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Permit Fees Increased; Reference to Model Year. Amend RSA 261:153, I to read as follows:

I. The treasurer of each city, or such other person as the city government may designate, and the town clerk of each town shall collect fees for such permits as follows: on each vehicle offered for registration a sum equal to [18] **21** mills on each dollar of the maker's list price for a [vehicle manufactured in the] current [calendar] *model year vehicle*, [15] **18** mills on each dollar of the maker's list price for a [vehicle manufactured in the] first preceding [calendar] *model year vehicle*, [12] **15** mills on each dollar of the maker's list price for a [vehicle manufactured in the] second preceding [calendar] *model year vehicle*, [9] **12** mills on each dollar of the maker's list price for a [vehicle manufactured in the] third preceding [calendar] *model year vehicle*, [6] **9** mills on each dollar of the maker's list price for a [vehicle manufactured in the] fourth preceding [calendar] *model year vehicle* [and 3], **6** mills on each dollar of the maker's list price for a [vehicle manufactured in the] fifth preceding [calendar] *model year vehicle* and **3 mills on each dollar of the maker's list price for a sixth preceding model year vehicle** and any [calendar] *model year* prior thereto. In no event, however, shall the fee be less than [\$5] **\$10**. The director shall make the final determination of [year of manufacture of a] *any vehicle model year* in any case in which a dispute arises. The fee collected hereunder for a vehicle used only in the manner and for the purposes specified in RSA 261:82 shall be [\$5] **\$10**; and provided further, that the fee collected hereunder for a farm tractor shall be [\$5] **\$10**. In cases of doubt, the director may investigate for the purpose of determining eligibility for limited purpose registrations.

2 Reference to Model Year. Amend RSA 261:153, IV to read as follows:

IV. Each designated city official as the city government may designate and the town clerk of each town shall use the straight line method in computing fees stipulated in paragraph I for any registration. The straight line method means that no registrant shall pay less or more than 12 months at each stipulated mill rate, whether such 12 months extend over one or more registration periods. The mill rate to be charged on a vehicle originally offered for registration by a registrant shall be based on the *model year* [of manufacture] of the [said] vehicle and shall continue for the next 12 months, including the month of registration. For each successive 12 months registration of the same vehicle thereafter, whether or not such 12 months registration extends beyond one or more registration periods, the fees to be charged shall be computed succes-

sively at the next lower mill rate; provided, that the minimum rate to be charged for any registration shall always be 3 mills on each dollar of the maker's list price of a vehicle.

3 Reference to Model Year. Amend RSA 261:154 to read as follows:

261:154 Additional Fees for Registration Permits. The governing bodies of towns and cities of a population greater than 50,000 as determined by the last federal census may, subject to the provisions of RSA 261:155, direct the city treasurer or the town clerk to collect in addition to the fees imposed in RSA 261:153, fees for such permits as follows: a sum not to exceed 5 mills on each dollar of the maker's list price for a [vehicle manufactured in the] current [calendar] *model year vehicle*, a sum not to exceed 4 mills on each dollar of the maker's list price for [a [vehicle manufactured in the] first preceding [calendar] *model year vehicle*, a sum not to exceed 3 mills on each dollar of the maker's list price for a [vehicle manufactured in the] second preceding [calendar] *model year vehicle*, a sum not to exceed 2 mills on each dollar of the maker's list price for a [vehicle manufactured in the] third preceding [calendar] *model year vehicle*, and a sum not to exceed one mill on each dollar of the maker's list price for a [vehicle manufactured in the] fourth preceding [calendar] *model year vehicle* and any [calendar] *model year* prior thereto. In no event, however, shall the fee be less than [one dollar] *\$1*. The director shall make the final determination of [year of manufacture of a] *any vehicle model year* in any case in which a dispute arises. All fees collected under this section shall be used for the construction, operation and maintenance of public parking facilities as provided in RSA 231:114-129.

4 Currently Registered Vehicles. Any vehicle registered with the treasurer of each city or the town clerk of each town shall remain subject to registration at the appropriate millage rate for a model year vehicle which was in effect prior to the effective date of this act.

5 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill increases millage amounts for calculating municipal motor vehicle registration permit fees and increases by \$5 these registration fees, including registration fees for agricultural and farm vehicles.

The bill also eliminates the requirement that motor vehicle registration permit fees be based on the list price for the year of vehicle manufacture and instead requires that permit fees be based on the list price for the model year of the vehicle.

The bill also grandfathers currently registered vehicles at the millage rates which were in effect prior to the effective date of this act.

Reps. Barnes, Klemarczyk and Soucy spoke in favor and yielded to questions.

Rep. Flynn spoke against.

Rep. Grodin spoke in favor.

Amendment lost.

Report lost.

Rep. Grodin moved that the bill be Inexpedient to Legislate.

Adopted.

**HB 623-FN**, relative to contracts negotiated by public employers. OUGHT TO PASS.

While HB 623 potentially increases the complexity of budgets presented to legislative body meetings, particularly for school districts, the Committee feels that the "Right-to-Know" of the voters should be considered ahead of the desirability of pre-

serving traditional concepts of "binding" negotiations between parties to a "bargaining" agreement. Vote 14-3. Rep. Richard A. Trelfa for Municipal and County Government.

Rep. Grodin moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass.

Rep. Kurk spoke against.

On a division vote, 266 members having voted in the affirmative and 57 in the negative, the bill was re-referred to Committee.

**HB 666-FN**, relative to protection and control of municipal highways. **OUGHT TO PASS.**

Even though towns throughout New Hampshire almost universally post weight limits, (the most common being typical mud season weight limits,) there is currently no specific statutory authority. RSA 41:11 is usually referenced as the authority for selectmen to post weight limits on roads and RSA 234:39 for bridges. While operators of heavy trucking object to town by town restrictions, the Committee felt that the state highway system was sufficient for the majority of their routes. Regulation of weights on town roads is essential to protect the public safety and prevent unreasonable town expenditures caused by the operation of heavy vehicles on roads which were not designed for them. Vote 13-4. Rep. Kenneth L. Weyler for Municipal and County Government.

Adopted.

Ordered to third reading.

**HB 746-FN**, relative to fees for recording certain documents with town or city clerks. **OUGHT TO PASS WITH AMENDMENT.**

This bill establishes or increases fees for recording telephone pole and cable licenses, articles of agreement, and dredge and fill permits with town or city clerks to bring them in line with current costs to municipalities in recording these documents. Additionally, the amendment deals with filing requirements for permits from the Wetlands Board. The language is identical to HB 270. Vote 11-6. Rep. Martha Fuller Clark for Municipal and County Government.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to procedures and fees for recording  
certain documents with town or city clerks.

Amend RSA 482-A:3, I as inserted by section 4 of the bill by replacing it with the following:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the wetlands board. The permit application *together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map*, shall be [sent] *submitted to the town or city clerk*, [to the wetlands board and shall be] accompanied by a filing fee *in the form of a check made out by the applicant to the New Hampshire wetlands board*. The permit application fee shall be \$50 for minimum impact projects. Fees for minor and major projects shall be assessed based on the area of dredge or fill proposed and



the number of boat slips requested. The rates shall be \$100 per boat slip and \$0.025 per square foot. [At the time of filing with the wetlands board said person shall also file copies of the permit application, with a detailed plan, including a map showing the exact location of the proposed project with the town or city clerk] *At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the wetlands board, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the wetlands board.* The town or city clerk shall then immediately send a copy of the permit application, *plan and map* to the local [legislative] governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed [\$2] *\$10 plus the cost of postage by certified mail.* [The copies of the permit application] *One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the wetlands board, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.*

#### AMENDED ANALYSIS

This bill establishes or increases fees for recording telephone pole and cable licenses, articles of agreement, and dredge and fill permits with town or city clerks.

The bill specifies additional requirements for submitting permits which include the submission of a detailed plan and map in triplicate and provision of all postal receipts to the town or city clerk to verify that abutters have been notified of an individual's intention to excavate, remove, fill or dredge an area.

Adopted.

Report adopted.

Ordered to third reading.

**HB 772-FN**, exempting land at aeronautical facilities from taxation. RE-REFER TO COMMITTEE.

There are different lease and taxing arrangements at each airport in the state. Recent events have caused some airport tenants to receive new tax bills for land they leased from municipalities. They already pay property taxes on their structures. According to testimony these airport tenants believed the lease payments were to provide the town a return on its land. The Committee recommended re-referral because a bill that might solve a problem at one locality could create problems at another. Vote 10-6. Rep. Kenneth L. Weyler for Municipal and County Government.

Re-referred to Committee.

**HB 731-FN**, to move liquor licensing and enforcement to the department of safety. INEXPEDIENT TO LEGISLATE.

The transfer of liquor enforcement and licensing to the Department of Safety is an idea which has been explored on previous occasions. The Committee, by a vote of 17-2, feels that the circumstances which prompted this bill are now being addressed by the Liquor Commission, the State Employees Association, and the new Chief of Enforcement. No testimony was received which compelled the Committee not to give these parties a chance to work things out. Rep. Thomas A. Behrens for Regulated Revenues.

Rep. Nielsen spoke against.

Rep. Behrens spoke in favor and yielded to questions.

Rep. Spencer moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Rep. Robert Kelley spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

### YEAS 64

### NAYS 269

#### YEAS 64 BELKNAP

Accornero, Harry

Campbell, Richard H., Jr.    Hawkins, Robert S.

#### CARROLL

Jean, Robert R.

#### CHESHIRE

Cole, Kenneth A.  
Metzger, Katherine H.

Kennison, Wayne A.  
Perry, David M.

Lynch, Margaret A.

#### COOS

Hawkinson, Marie C.

Mayhew, Josephine

#### GRAFTON

Guest, Robert H.

Nielsen, Niels F., Jr.

Ward, Kathleen W.

#### HILLSBOROUGH

Drabinowicz, A. Theresa  
Green, Scott E.  
Hultgren, David D.  
Leclerc, Charles J.

Ford, Nancy M.  
Hall, Betty B.  
Jasper, Shawn N.  
Martin, Mary Ellen

Gage, Ruth E.  
Healy, Walter F.  
L'Heureux, Robert J.  
Sallada, Roland A.

#### MERRIMACK

Braiterman, Thea  
Christie, Thomas J.  
Weeks, John F., Jr.

Carter, Susan D.  
Johnson, C. William  
Yeaton, Charles B.

Chandler, John P.  
Kidder, William F.

#### ROCKINGHAM

Brown, Jeffrey M.  
Clark, Martha Fuller  
Kane, Cecelia D.  
Roulston, Donald L.  
Skinner, Patricia M.  
Weyler, Kenneth L.

Caswell, Albert, Jr.  
Coffey, John J.  
Malcolm, Kenneth W.  
Rubin, George R.  
Splaine, John E., Sr.  
Woods, Deborah L.

Christie, Andrew, Jr.  
Connell, David R.  
McGovern, Cynthia A.  
Seward, Russell G.  
Warburton, Calvin

#### STRAFFORD

Bickford, Drucilla  
Hashem, Elaine M.  
Nehring, William H.  
Spencer, Leo J.

Corte, Arthur B.  
Jankowski, Peter M.  
O'Brien, John

Gilmore, Gary R.  
Marston, Robert E.  
Pelley, Janet R.

#### SULLIVAN

Allison, David C.

Harland, Jane A.

Peyron, Fredrik

### NAYS 269 BELKNAP

Bartlett, Gordon E.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Salatiello, Thomas B.  
Vogler, Charles C.

Cain, Thomas G.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.  
Ziegra, Alice S.

Dewhirst, Glenn E.  
Joscelyn, William W.  
Rosen, Ralph J.  
Turner, Robert H.

### CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Dickinson, Howard C.  
Saunders, Howard N.

### CHESHIRE

Champagne, Richard L.  
DePecol, Benjamin J.  
Foster, Katherine D.  
Hunt, John B.  
Laurent, John J.  
Pratt, Irene A.

Clark, Eugene W.  
Doucette, Richard F.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Morse, Jo Ann T.  
Spear, Susan S.

Crutchley, Donald O.  
Feuer, Joseph N.  
Hogan, James B.  
LaMar, David M.  
Pearson, Gertrude B.

### COOS

Brungot, Catherine V.  
Guay, Lawrence J.  
Merrill, Gerald P.  
Pratt, Leighton C.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Nelson, Harold D.  
Theriault, Romeo J.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Oliver, Terry D.

### GRAFTON

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
White, Paul R.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Shackett, Ralph E.  
Trelfa, Richard T.

Bean, Pamela B.  
Chambers, Mary P.  
Dow, David  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Wadsworth, Karen O.

### HILLSBOROUGH

Ahrens, Frederick G.  
Andrews, Frederick B.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Dodge, Emma M.  
Drolet, Paul L.  
Dyer, Merton S.  
Fenton, James J.  
Gagnon, Eugene L.  
Goulet, Maurice E.

Alukonis, David J.  
Arnold, Barbara E.  
Baroody, Benjamin C.  
Buckley, Raymond  
Clemons, Jane A.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gagnon, Gabrielle V.  
Greenglass, Alan B.

Amidon, Eleanor H.  
Baker, George H., Sr.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cote, David E.  
Daigle, Robert A.  
Desrosiers, William J.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.

Haettenschwiller, Alphonse  
 Holden, Carol H.  
 Keane, Cornelius J.  
 King, Frank P.  
 Laroche, Roger B.  
 Lawrence, Norman B.  
 McCann, Bonnie Lou  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 O'Rourke, Joanne A.  
 Paquette, Rodolphe G.  
 Peters, Stanley W.  
 Reidy, Frank J.  
 Rothhaus, Finlay C.  
 Soucy, Donna M.  
 Tate, Joan C.  
 Vanderlosk, Stanley R.  
 White, John M.

Hanselman, Gregory L.  
 Johnson, Lionel W.  
 Kelley, Dana F.  
 Kurk, Neal M.  
 Laughlin, J. Francis  
 Lown, Elizabeth D.  
 McDowell, James E.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Ouellette, Robert O.  
 Pepino, Leo P.  
 Pignatelli, Debora B.  
 Rheault, Lillian I.  
 Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 Wheeler, David K.  
 Wright, George W.

Healy, Daniel J.  
 Jordan, Mary H.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lawrence, Eva M.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Packard, Bonnie B.  
 Perham, Lester R.  
 Record, Alice B.  
 Riley, Frances L.  
 Smith, Leonard A.  
 Tarpley, Nancy L.  
 Upton, Barbara A.  
 Wheeler, Robert L.

#### MERRIMACK

Apple, Lowell D.  
 Chandler, Earle W.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Jacobson, Alf E.  
 Letourneau, George E.  
 Molner, Mary E.  
 Soldati, Jennifer G.  
 Teague, Bert

Asplund, Bronwyn L.  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Jelley, Francis D.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Stapleton, Henry F.

Barberia, Richard A.  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Hill, Michael J.  
 Johnson, Joyce M.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Stio, Peter M.

#### ROCKINGHAM

Barnes, John S., Jr.  
 Boucher, William P.  
 Conroy, Janet M.  
 Dowling, Patricia A.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Hynes, Carolyn E.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 Magoon, Harold F.  
 McKinney, Betsy  
 Palazzo, Frank J.  
 Schanda, Joseph, Sr.  
 Sytek, Donna P.  
 Tufts, Arthur

Bell, Juanita L.  
 Bucu, Stephen W.  
 DiPietro, Carmela M.  
 Dube, LeRoy S.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Griebisch, Linda  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McCain, William F.  
 Melnick, Roy E.  
 Raynowska, Bernard J.  
 Smith, Arthur W.  
 Sytek, John J.  
 Vaughn, Charles L.

Benton, Richardson D.  
 Chulack, Peter G., Sr.  
 Dowd, Sandra K.  
 Falwell, Robert V.  
 Flanders, David A.  
 Ford, Bert H.  
 Haynes, Richard  
 Hutchinson, Karen K.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 MacKinnon, Nancy W.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Rosencrantz, James R.  
 Syracuse, Anthony  
 Thayer, Leroy C.  
 Welch, David A.



**STRAFFORD**

|                         |                       |                      |
|-------------------------|-----------------------|----------------------|
| Appleby, James E.       | Brown, Julie M.       | Douglass, Clyde J.   |
| Flynn, Edward J.        | Foss, Patricia H.     | Frechette, Roland A. |
| Keans, Sandra B.        | Kincaid, William K.   | Kinney, Paula J.     |
| McCann, William H., Jr. | Pageotte, Donald P.   | Parks, Joe B.        |
| Sullivan, Henry P.      | Torr, Ann M.          | Tsiros, William      |
| Vincent, Francis C.     | Wheeler, Katherine W. |                      |

**SULLIVAN**

|                       |                      |                    |
|-----------------------|----------------------|--------------------|
| Behrens, Thomas A.    | Domini, Irene C.     | Flint, Gordon B.   |
| Krueger, Richard H.   | Lindblade, Eric N.   | Middleton, John A. |
| Rodeschin, Beverly T. | Stamatakis, Carol M. | Tetu, Michael A.   |

and the motion lost.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

Report adopted.

**(Deputy Speaker Michael Hill in the Chair)**

**HB 389**, allowing the retention of a granite block retaining wall abutting Lake Winnepesaukee. **INEXPEDIENT TO LEGISLATE.**

This bill would have allowed a certain private landowner to retain a granite wall which he built that was found to encroach on the Lake Winnepesaukee lake bed. The Legislature is being asked to reconsider a dispute between the landowner and the state, which has already been litigated extensively, resulting in a Supreme Court decision favorable to the State. This bill would establish a dangerous precedent by encouraging individuals unhappy with court decisions to seek relief through the Legislature. Furthermore, there was nothing unique about this case and nothing improper in the procedures followed to justify legislative intervention. The majority of the Committee feels the role of the Legislature is to create laws for the public good, while the executive and judicial branches of government are entrusted in the enforcement and interpretation of them. The Legislature should support the agencies that enforce the laws we pass, and leave the resolution of private disputes to the courts. Vote 9-7. Rep. Carol M. Stamatakis for Resources, Recreation and Development.

Rep. Vogler moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Stamatakis and Carl Johnson spoke against and yielded to questions.

Rep. Conroy spoke against.

The motion failed.

Report adopted.

Rep. Leonard Smith moved that the remarks of Rep. Conroy be printed in the Journal.

Adopted.

Rep. Conroy:

Here I stand in this hallowed Hall to fight the battle of the Winnie Wall,

You've heard the story from beginning to end, and now you'll hear it all again.

It was built in the water and much too tall, so the Wetlands Board ordered "Do away with the Wall!"

The landowner said "I'll lower the height, but I'll not move the granite without a court fight."

So off to the Court the two parties went, with considerable monies by both sides spent.

Not only the money but time was a cost and at the end of five years the landowner lost.

But during this period the guy didn't quit, he built a dock in the water without a permit.

The next part of the saga, oh colleagues of mine, was the filing of House Bill 389.

The hearing was crowded, testimony was long, some thought he was right, others thought he was wrong.

We talked, we debated, we listened some more about the wall that abutted the Winnepesaukee shore.

The Committee then voted and as you can see, it was a tight situation for RR & D.

So now we are here and after all has been said, will you support the Committee and please press the red?

**HB 560-FN**, relative to bacteriological standards and reclassifying certain waters. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: This legislation reclassifies the remaining 47 miles of Class "C" waters in New Hampshire to Class "B." Six rivers in the state have already been reclassified as such. This action speeds up the goal of attaining clean water in New Hampshire and will enable the Department of Environmental Services to receive federal monies for pollution control and give the agency the tools to move this process forward in line with the Clean Water Act and EPA's standards. Environmental groups, ranging from the Merrimack River Watershed Council to the Appalachian Mountain Club endorse this legislation. Vote 10-7. Rep. Steven R. Maviglio for the Majority of Resources, Recreation and Development.

MINORITY: The minority is in agreement with the majority relative to the bacteriological standards concerning escherichia coliform (E. coli). However, at the public hearing strong opposition was raised concerning the bill's reclassification of Class "C" rivers. The minority strongly feels changing the classification of Class "B" rivers prior to these rivers conforming to the required water quality standards, sends a false message to those using these waters and the public. By falsely upgrading these rivers prematurely to Class "B" designation, leaves concerns about public health and the integrity of the rivers classification system. Reps. Peter M. Jankowski, Barbara A. Upton, John B. Young, James A. Whittemore, Kenneth A. Cole and Frederick B. Andrews for the Minority of Resources, Recreation and Development.

#### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Biennial Report to House and Senate Added; Notification to Public. Amend RSA 485-A:4, XIV to read as follows:

XIV. To formulate a policy relating to long term trends affecting the purity of the surface waters or groundwaters of the state. Insofar as practicable and necessary, a continuing program of sampling and subsequent chemical or biological analysis, or both, shall be conducted to establish patterns and reveal long term trends to serve as a basis for formulating such policy. In conducting said program of sampling and analysis, the division is authorized to accept any assistance as may be proffered by persons that the division deems to be qualified. The division shall make [an annual] *a biennial* report of its findings to the governor and council[.], *the senate environment commit-*

tee, and the house resources, recreation, and development committee. The division shall provide proper warning to the public by posting a sign indicating where water quality standards are not being attained as they relate to specified designated uses.

2 New Paragraph; Rulemaking; Temporary Partial Use Added. Amend RSA 485-A:6 by inserting after paragraph XI-b the following new paragraph:

XI-c. The location, extent, and duration of the standards specified in RSA 485-A:8, III for the temporary partial use areas provided for in RSA 485-A:8, II.

3 Number of Water Classes Decreased. Amend the introductory paragraph of RSA 485-A:8 to read as follows:

485-A:8 Standards for Classification of Surface Waters of the State. *It shall be the overall goal that all surface waters attain and maintain specified standards of water quality to achieve the purposes of the legislative classification.* For purposes of classification there shall be [3] 2 classes or grades of surface waters as follows:

4 Additional Standards for Classifying Surface Waters. Amend RSA 485-A:8, I-III, to read as follows:

I. Class A waters shall be of the highest quality and shall contain not more than [50 coliform bacteria per 100 milliliters] *either a geometric mean based on at least 3 samples obtained over a 60-day period of 47 Escherichia coli per 100 milliliters, or greater than 153 Escherichia coli per 100 milliliters in any one sample; and for designated beach areas shall contain not more than a geometric mean based on at least 3 samples obtained over a 60-day period of 47 Escherichia coli per 100 milliliters, or 88 Escherichia coli per 100 milliliters in any one sample; unless naturally occurring.* There shall be no discharge of any sewage or wastes into waters of this classification. The waters of this classification shall be considered as being potentially acceptable for water supply uses after [disinfection] *adequate treatment.*

II. Class B waters shall be of the second highest quality and shall have no objectionable physical characteristics, shall [be near saturation for dissolved oxygen] *contain a dissolved oxygen content of at least 75 percent of saturation,* and shall contain not more than [240 coliform bacteria per 100 milliliters] *either a geometric mean based on at least 3 samples obtained over a 60-day period of 126 Escherichia coli per 100 milliliters, or greater than 406 Escherichia coli per 100 milliliters in any one sample; and for designated beach areas shall contain not more than a geometric mean based on at least 3 samples obtained over a 60-day period of 47 Eschereichia coli per 100 milliliters, or 88 Escherichia coli per 100 milliliters in any one sample; unless naturally occurring.* There shall be no disposal of sewage or waste into said waters except those which have received adequate treatment to prevent the lowering of the *biological*, physical, chemical or bacteriological characteristics below those given above, nor shall such disposal of sewage or waste be inimical to [fish] *aquatic* life or to the maintenance of [fish] *aquatic* life in said receiving waters. The pH range for said waters shall be 6.5 to 8.0 except when due to natural causes. Any stream temperature increase associated with the discharge of treated sewage, waste or cooling water, *water diversions, or releases* shall not be such as to appreciably interfere with the uses assigned to this class. The waters of this classification shall be considered as being acceptable for [bathing] *fishing, swimming* and other recreational purposes and, after adequate treatment, for use as water supplies. *Where it is demonstrated to the satisfaction of the division that the class B criteria cannot reasonably be met in certain surface waters at all times as a result of combined sewer overflow events, temporary partial use areas shall be established by rules adopted under RSA 485-A:6, XI-c, which meet, as a minimum, the standards specified in paragraph III.*



III. [Class C waters shall be of the third highest quality and] *The waters in temporary partial use areas established under paragraph II* shall be free from slick, odors, turbidity, sludge deposits, and surface-floating solids of unreasonable kind or quantity, shall contain not less than 5 parts per million of dissolved oxygen; shall have a hydrogen ion concentration within the range of pH 6.0 to [8.5] **9.0** except when due to natural causes; and shall be free from chemicals and other materials and conditions inimical to [fish] *aquatic* life or the maintenance of [fish] *aquatic* life. *These criteria shall apply during combined sewer overflow discharges and up to 3 days following cessation of said discharge. At all other times the standards and uses specified in paragraph II shall apply.* [Any stream temperature increase associated with the discharge of treated sewage, waste or cooling water shall not be such as to appreciably interfere with the uses assigned to this class. The waters of this classification shall be considered as being acceptable for recreational boating, fishing, or for industrial water supply uses either with or without treatment depending upon individual requirements.]

5 Standards Changed. Amend RSA 485-A:8, V-VII, to read as follows:

V. Tidal waters utilized for swimming purposes shall [satisfy all conditions contained in paragraph II above] *contain not more than either a geometric mean based on at least 3 samples obtained over a 60-day period of 35 enterococci per 100 milliliters, or 104 enterococci per 100 milliliters in any one sample, unless naturally occurring.* Those tidal waters used for growing or taking of shellfish for human consumption shall, in addition to the foregoing requirements, [contain not more than 70 coliform bacteria per 100 milliliters] *be in accordance with the criteria recommended under the National Shellfish Program Manual of Operation, United States Department of Food and Drug Administration.*

VI. Notwithstanding anything contained in this chapter, the division shall have the authority to adopt such stream classification criteria as may be issued from time to time by the federal Environmental Protection Agency or its successor agency insofar as said criteria may relate to the water uses specified in RSA 485-A:8, II[,] and III[, and III.], provided, however, that the criteria thus issued shall not result in standards that are less than nor exceed the standards of the classification duly enacted by the general court as provided for in RSA 485-A:9 or ~~485-A:10~~.

VII. All tests and sampling for the purposes of examination of waters shall be performed and carried out in a reasonable manner and whenever practicable, in accordance with the [current edition of the Standard Methods for Examination of Water and Sewage as published jointly by the American Public Health Association and the American Water Works Association. Near saturation for dissolved oxygen shall mean a dissolved oxygen content of at least 75 per centum of saturation] *commonly accepted scientific method as selected by the division.* The waters in each classification shall satisfy all the provisions of all lower classifications. The minimum treatment for the lowest classification shall be as follows:

(a) For sewage, [primary] *secondary* treatment and disinfection [resulting in substantially complete disinfection and removal of all settleable and floatable material] *as necessary to comply with water quality standards.*

(b) For industrial wastes *and combined sewer overflows*, such treatment[, not to exceed primary treatment or its equivalent.] as the division shall determine. Appeal from any such determination shall be in the manner provided for in RSA 21-O:7, IV.

6 Purpose of Reclassifications. The general court finds that the reclassifications contained in section 6 of this act are being adopted in order to meet federal require-



ments. Therefore, the general court declares that the provisions of RSA 485-A:9 and 485-A:10 shall be deemed to have been complied with by passage of this act.

7 Reclassification. On or after the effective date of this act the following surface waters shall be reclassified in accordance with the provisions of RSA 485-A:

I. Androscoggin River from the downstream side of the highway bridge on Bridge Street, Berlin to the Maine-New Hampshire state line, in the city of Berlin and the towns of Gorham and Shelburne, class B.

II. Ashuelot River from the downstream side of the bridge on the private roadway from Main Street to the A.C. Lawrence Leather Company plant in Winchester to its confluence with the Connecticut River, in the towns of Winchester and Hinsdale, class B.

III. Great Brook, from the concrete dam at the "scrape" to its confluence with the Mascoma River, in the city of Lebanon, class B.

IV. Mascoma River, in the town of Enfield, from the crest of the Baltic Mill dam to Mascoma Lake, class B.

V. Mascoma River, from the downstream side of the Hanover street bridge to its confluence with the Connecticut River in the city of Lebanon, class B.

VI. Mascoma Lake, in the town of Enfield, extending from the entry of Mascoma River to a straight line across the lake from the house owned by Fred Columbia (#185 on water pollution commission plan of lake) to the camp owned by Cyril Rowan (#183 on same plan), enclosing about 9 acres of lake water, class B.

VII. Merrimack River from the crest of the Public Service Company of New Hampshire's Amoskeag dam in Manchester to the confluence with Cohas Brook, in the city of Manchester and town of Bedford, class B.

VIII. Nashua River, in the town of Hollis and the city of Nashua, from the New Hampshire-Massachusetts state line to its confluence with the Merrimack River, class B.

IX. Partridge Brook and all its tributaries, in the town of Westmoreland, from the upstream side of the South Village Road highway bridge to confluence with the Connecticut River, class B.

X. Reservoir Brook, outlet from Enfield reservoir, in the town of Enfield, from the Canaan-Enfield town line to its confluence with the Mascoma River, class B.

XI. Sugar River from a point just upstream of the outfall from the now defunct city of Claremont water reclamation plant to the confluence with the Connecticut River, in the city of Claremont, class B.

XII. An unnamed brook approximately 0.5 mile long in the town of Enfield just west of the village cemetery from its source to Mascoma Lake, class B.

8 Repeals. The following are repealed:

I. 1953, 59:1, VIII, relative to the Mascoma River.

II. 1953, 59:1, IX, relative to Reservoir Brook.

III. 1953, 59:1, X, relative to an unnamed brook in Enfield.

IV. 1953, 59:1, XI, relative to Mascoma Lake.

V. 1955, 168:1, V, relative to Partridge Brook.

VI. 1967, 311:1, XXXV, relative to the Mascoma River and Great Brook.

VII. 1967, 311:1, XXXVII, relative to Sugar River.

VIII. 1967, 311:1, XXXIX, relative to Ashuelot River.

IX. 1967, 311:1, XLVI, relative to the Androscoggin River.

X. 1967, 311:1, L, relative to the Merrimack River.

XI. 1985, 41:1, I, relative to the Nashua River.

9 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill changes the current pathogen indicator for classifying surface waters from a coliform bacteriological standard to the inclusion of *Escherichia coli* form (E. coli) for freshwaters and enterococci for marine waters.

This bill also changes the classification system of the state's surface waters by upgrading all surface waters which are presently classified as C to B, but allowing for temporary partial use areas for waters which do not meet class B criteria, and eliminates the class C classification for surface waters.

In addition this bill requires the department of environmental services to make a biennial report of its water sampling findings to the governor and council, the senate environment committee and the house resources, recreation and development committee.

Rep. Jankowski moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and withdrew his motion.

Rep. Leonard Smith spoke in favor of the Committee report and yielded to questions.

On a division vote, 241 members having voted in the affirmative and 79 in the negative, the amendment was adopted.

Report adopted.

Ordered to third reading.

#### (Speaker Burns in the Chair)

**HB 777-FN**, relative to the New Hampshire Electrical Cooperative and establishing a committee to study the rate structure of New Hampshire electrical cooperative and certain wholesale electric customers. **OUGHT TO PASS WITH AMENDMENT.**

This bill as amended clarifies RSA 362-C:7 (The Reorganization of Public Service Company of New Hampshire). It provides that the Public Utilities Commission is authorized to approve New Hampshire Electric Cooperative rate increases so long as they do not exceed that approved for Public Service Company of New Hampshire. The bill further specifies that any plan that would change the allocation of base rate revenue among customer classes will require legislative approval. Vote 12-0. Rep. Charles C. Vogler for Science, Technology and Energy.

Rep. Rodeschin spoke in favor.

#### LAIID ON THE TABLE

Rep. Michael Hill moved that HB 777 be laid on the table.

Adopted.

#### SPECIAL ORDERS

Without objection, the Speaker made the following House Bills and House Resolution Special Orders for Thursday, March 21, 1991 at 10:00 a.m.

**HR 15**, urging the United States Congress to allow Regional Bell Operating Companies to promote the use of electronic telephone directories.

**HB 399**, relative to leases for tenants of manufactured housing parks.

**HB 536**, prohibiting the conversion of manufactured housing parks into condominiums.

**HB 557-FN**, relative to the BOCA code.

**HB 670-FN**, relative to condominium conversion of manufactured housing parks.

**HB 695-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks.

**HB 706-FN**, relative to the allowable length of semi-trailers.

**HB 58**, establishing a Martin Luther King Day.

**HB 61-FN**, relative to the distribution of moneys received as a result of the commission of a crime.

**HB 133**, relative to the right to know law.

**HB 674 FN**, designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers.

**HB 709-FN**, establishing a study committee relative to clearcutting forest resources.

### RESOLUTION

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 21, 1991 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 433**, establishing a developmentally delayed category.

**HB 742-FN**, relative to excavation.

**HB 54-FN**, relative to the laws regarding children in need of services.

**HB 298-FN**, lowering the level from .10 to .08 for legal intoxication under the DWI laws.

**HB 350-FN**, relative to assault

**HB 485**, relative to living wills.

**HB 653**, relative to defense and indemnification of state officers and employees.

**HB 666-FN**, relative to protection and control of municipal highways.

**HB 746-FN**, relative to procedures and fees for recording certain documents with town or city clerks.

**HB 560-FN**, relative to bacteriological standards and reclassifying certain waters.

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 50-FN-A**, relative to state revenue and expenditures.

Rep. Hager moved that the House nonconcur and request a Committee of Conference. (Senate Amendment printed SJ 11. pp 100-136)

Adopted.

The Speaker appointed Reps. Hager, Sytek, Kurk and Vaughn.

**NOTICE OF RECONSIDERATION**

Having voted with the prevailing side, Rep. Parks served notice that today or some other day as limited by the rules, he would ask the House to reconsider its action whereby it found HB 359, relative to fees for registration permits for vehicles, Inexpedient to Legislate.

**SENATE MESSAGES  
CONCURRENCE**

**HB 125**, relative to drink rails.

**HB 179**, relative to authorization of treatment for communicable diseases.

**HJR 2**, providing that the Kona Wildlife Management Area shall be forever managed by the state of New Hampshire in a manner so as to protect its habitats.

Rep. Michael Hill moved that the House adjourn.

Adopted.

The House adjourned at 5:40 p.m.





**HOUSE JOURNAL No. 14**

Thursday, March 21, 1991

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairsto.

Eternal God of power, who gives Your people strength to accomplish far more than we can even dream or imagine, to You we offer our praise and thanksgiving. Empower us today, we pray, that we may squarely face the challenges before us. Help us to distinguish between sincere moral conviction and the need for more open minds, between personal prejudices and reality, between those actions which will hurt and those which will help. Guide us in our listening, our speaking, and our voting, and so inspire us that we will seek above all else to do Your will for Your people in the Granite State. Amen.

Rep. Fields led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Hurst, Parr, Swope, Eunice Campbell, Feuerstein, Ackerman, Baker, Lynch, Martling, Stacey Cole, Holmes, Wibby and Ralph Torr, the day, illness.

Reps. Julie Brown, John Young, Wall, Donald Messier, Markley, Marsh, Weeks, Millard, Hawkinson, Shackett, Joyce Johnson, McGovern, David Young (military service), Wallner, Harland, Golden and Chulack, the day, important business.

Rep. Bernard, the day, death in the family.

Rep. Hambrick, the day, illness in the family.

**INTRODUCTION OF GUESTS**

David Whitehead, Robert Luria and Charles Magee, guests of Rep. Rodeschin. Gregory Gilmore, son of Rep. Gilmore. The 4th grade class of the Stratham Memorial School, guests of Rep. Woods.

**INTRODUCTION OF SPECIAL GUESTS**

Hon. Fred Noye, member of the Pennsylvania Legislature, Constance Rinden, retiring NH State Law Librarian and Shirley Adamovich, Commissioner of Libraries, Arts and Historical Resources, guests of Rep. Burns.

**HOUSE RESOLUTION NO. 20**

honoring State Law Librarian Constance T. Rinden on her retirement

WHEREAS, a gentlewoman is defined as one of gentle and refined manner; a well-bred woman of character and fine feelings, and

WHEREAS, in the collective opinion of her family, her friends, and her colleagues, Constance T. Rinden, affectionately known to all as Connie, is a woman who epitomizes that definition, and

WHEREAS, for nearly a full thirty-four years Connie Rinden has been a devoted and diligent New Hampshire state employee who easily has earned the respect, esteem and affection of the many persons who daily have crossed her path, and

WHEREAS, between the years of 1957 and 1969 Connie Rinden demonstrated her skills, competence and versatility while working at the State Library as an Indexer, a Cataloger, an Inventory Taker, a Bookmobile Supervisor, a PLT Instructor, an Assistant Reference Librarian, an Acting Head of Reference, and an Assistant Law Librarian, and

WHEREAS, Connie Rinden, in 1969, did assume the full duties and heavy responsibilities as New Hampshire Law Librarian and for the ensuing nineteen years has been an invaluable, indefatigable, dedicated employee, and

WHEREAS, being an erudite woman of high achievement, Connie Rinden received her bachelors degree from Randolph-Macon College and her masters of Library Science from Simmons College, and later was a founding member of the New Hampshire Law Librarians Association, and

WHEREAS, Connie Rinden, throughout her productive lifetime, has made innumerable friends, imparting to all her warmth, felicity and charm, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Constance T Rinden, on this occasion of her retirement, be recognized and saluted for her outstanding and faithful service as an exemplary State of New Hampshire employee, and be it further

RESOLVED, that Constance T. Rinden receive best wishes for an enjoyable retirement, and that a suitable copy of this Resolution be prepared for presentation to her.

Unanimously adopted.

**(Speaker Burns in the Chair)**

### **SPECIAL ORDERS**

**HR 15**, urging the United States Congress to allow Regional Bell Operating Companies to promote the use of electronic telephone directories. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: This resolution would urge the Congress of the United States to encourage and promote the expansion of electronic telephone directories and the provision of information services. In addition to the technical issues discussed in the resolution, there are considerable environmental savings to be made using these electronic services as outlined in the resolution. Vote 9-3. Reps. Thomas E.P. Rice and Alan B. Greenglass for the Majority of Science, Technology and Energy.

MINORITY: The initial bill recommended that the United States Congress provide exclusive consideration of the regional Bell operating companies for providing information services to customers in the form of telephone directories. In essence, the minority felt that the Bell operating companies were asking our Committee to provide lobbying services. After discussions the minority was able to eliminate reference to the Bell companies and proposed that "information systems" be substituted for "telephone directories" for a much broader application and to allow competition to enter. Rep. Arthur P. Ferlan for the Minority of Science, Technology and Energy.

### **Amendment**

Amend the resolution by replacing the title of the resolution with the following:

### **A RESOLUTION**

urging the United States Congress to encourage and promote  
the expansion of electronic telephone directories  
and the provision of information services.

Amend the resolution by replacing all after the title with the following:

Whereas, the 1990's have been proclaimed the decade of the environment; and

Whereas, the 102nd Congress has identified the solid waste crisis as one of its top environmental priorities in 1991; and

Whereas, each ton of paper not produced saves approximately 17 trees, 4,100 kilowatts of energy, 7,000 gallons of water, 600 pounds of air pollutants and 81 cubic feet of landfill space; and

Whereas, the availability of electronic telephone directories would reduce the demand for paper, conserve energy and valuable landfill space; now therefore, be it

Resolved by the House of Representatives:

That the House of Representatives of New Hampshire hereby urges the United States Congress to fulfill its responsibility to set the communications policy for the United States by enacting legislation which facilitates the introduction of electronic telephone directories to American society; and

That copies of this resolution, signed by the speaker of the house be forwarded by him to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation.

#### AMENDED ANALYSIS

This house resolution urges the United States Congress to establish sound environmental and communications policy for the United States by enacting legislation which facilitates the introduction of electronic telephone directories.

Adopted.

Report adopted.

**HB 399**, relative to leases for tenants of manufactured housing parks. INEXPEDIENT TO LEGISLATE.

The majority of the Committee felt that this bill, as written, could place the owners of mobile homes in parks at a disadvantage when wishing to sell their mobile homes. Rental agreements may accomplish the intent of the bill. Vote 8-6. Rep. Patricia A. Dowling for State Institutions and Housing.

Adopted.

**HB 536**, prohibiting the conversion of manufactured housing parks into condominiums. INEXPEDIENT TO LEGISLATE.

The majority of the Committee felt that this bill consisted of language that was too restrictive and possibly unconstitutional. Vote 12-2. Rep. Patricia A. Dowling for State Institutions and Housing.

Adopted.

**HB 557-FN**, relative to the BOCA code. RE-REFER TO COMMITTEE.

On a vote of 11-3, the Committee decided to take another look at this house bill. A companion bill, HB 282 must be looked at before a possible solution of the question could be brought about. Rep. Lowell D. Apple for State Institutions and Housing.

Re-referred to Committee.

**HB 670-FN**, relative to condominium conversion of manufactured housing parks. RE-REFER TO COMMITTEE.

Many votes were taken on this bill, the final majority vote was to at least allow the Committee to find a "final" solution to condominium conversions. Vote 8-6. Rep. Lowell D. Apple for State Institutions and Housing.

Rep. Soldati moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Re-refer to Committee, spoke to her motion and yielded to questions.



Rep. Coffey spoke against and yielded to questions.  
 Rep. Scott Green spoke against.  
 Rep. David Cote non-spoke in favor.  
 Rep. Ouellette spoke against and yielded to questions.  
 Rep. Salatiello spoke in favor and yielded to questions.  
 Rep. Apple spoke in favor.  
 Rep. Tufts spoke against.  
 Roll call request sufficiently seconded.  
 The question being on the substitute motion.

**YEAS 196****NAYS 124****YEAS 196  
BELKNAP**

Bartlett, Gordon E.  
 Joscelyn, William W.  
 Rosen, Ralph J.  
 Zaharchuk, Peter J., Jr.

Campbell, Richard H., Jr.  
 Maviglio, Steven R.  
 Salatiello, Thomas B.

Johnson, Carl R.  
 Rice, Thomas E. P., Jr.  
 Shibley, Arnold P.

**CARROLL**

Allard, Nanci A.

Bradley, Jeb E.

Dickinson, Howard C.

**CHESHIRE**

Champagne, Richard L.  
 DePecol, Benjamin J.  
 Foster, Katherine D.  
 Pratt, Irene A.

Clark, Eugene W.  
 Doucette, Richard F.  
 LaMar, David M.  
 Spear, Susan S.

Crutchley, Donald O.  
 Feuer, Joseph N.  
 Morse, Jo Ann T.

**COOS**

Brungot, Catherine V.  
 Kilbride, Dennis J.  
 Nelson, Harold D.

Buckley, C. Fitzgerald  
 Mayhew, Josephine  
 Oliver, Terry D.

Coulombe, Henry W.  
 Merrill, Gerald P.  
 Theriault, Romeo J.

**GRAFTON**

Adams, Carl S.  
 Copenhaver, Marion L.  
 Larson, Nils H., Jr.  
 Teschner, Douglass P.  
 White, Paul R.

Arnesen, Deborah L.  
 Guest, Robert H.  
 Nielsen, Niels F., Jr.  
 Trelfa, Richard T.

Chambers, Mary P.  
 Hill, Richard L.  
 Nordgren, Sharon L.  
 Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Baldizar, Barbara J.  
 Bowers, Dorothy C.  
 Chasse, Richard D.  
 Daigle, Robert A.  
 Dodge, Emma M.  
 Dwyer, Patricia R.  
 Fenton, James J.  
 Gage, Ruth E.  
 Gosselin, Gerald O.  
 Haettenschwiller, Alphonse  
 Jasper, Shawn N.

Amidon, Eleanor H.  
 Baroody, Benjamin C.  
 Buckley, Raymond  
 Cote, David E.  
 Daniels, Gary L.  
 Drabinowicz, A. Theresa  
 Dyer, Merton S.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Greenglass, Alan B.  
 Hall, Betty B.  
 Johnson, Lionel W.

Andrews, Frederick B.  
 Bourque, Ann J.  
 Burke, Stephen J.  
 Crotty, Edward J.  
 Desrochers, Gerard T.  
 Drolet, Paul L.  
 Emerton, Lawrence A.  
 Ford, Nancy M.  
 Gagnon, Gabrielle V.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 Keane, Cornelius J.

Kelley, Robert N.  
 Laughlin, J. Francis  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Nardi, Theodora P.  
 Pignatelli, Debora B.  
 Rheault, Lillian I.  
 Soucy, Donna M.  
 Tate, Joan C.  
 Wheeler, Robert L.

King, Frank P.  
 Lawrence, Eva M.  
 Lozeau, Donnalee M.  
 McDowell, James E.  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Steiner, Lee Anne  
 Turgeon, Roland M.  
 White, John M.

Larochelle, Roger B.  
 Leclerc, Charles J.  
 Mason, Howard F.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Packard, Bonnie B.  
 Reidy, Frank J.  
 Searles, Stanley N., Sr.  
 Tarpley, Nancy L.  
 Vanderlosk, Stanley R.

### MERRIMACK

Apple, Lowell D.  
 Braiterman, Thea  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Hill, Michael J.  
 Molner, Mary E.  
 Soldati, Jennifer G.  
 Teague, Bert

Barberia, Richard A.  
 Carter, Susan D.  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Jacobson, Alf E.  
 Nichols, Avis B.  
 Stapleton, Henry F.  
 Trombly, Rick A.

Boucher, Laurent J.  
 Chandler, John P.  
 Dunn, Miriam D.  
 Hall, Douglas E.  
 Letourneau, George E.  
 Smith, Gerald R.  
 Stio, Peter M.  
 Yeaton, Charles B.

### ROCKINGHAM

Barnes, John S., Jr.  
 Caswell, Albert, Jr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Griebisch, Linda  
 Hynes, Carolyn E.  
 Lovejoy, Virginia K.  
 Packard, Sherman A.  
 Rosencrantz, James R.  
 Skinner, Patricia M.  
 Syracuse, Anthony  
 Thayer, Leroy C.

Bell, Juanita L.  
 Christie, Andrew, Jr.  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Haynes, Richard  
 Kane, Cecelia D.  
 Magoon, Harold F.  
 Palazzo, Frank J.  
 Schanda, Joseph, Sr.  
 Smith, Arthur W.  
 Sytek, John J.  
 Vaughn, Charles L.

Brown, Jeffrey M.  
 Clark, Martha Fuller  
 Cote, Patricia L.  
 Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Malcolm, Kenneth W.  
 Pantelakos, Laura C.  
 Seward, Russell G.  
 Splaine, John E., Sr.  
 Terninko, Margaret B.

### STRAFFORD

Bickford, Drucilla  
 Gilmore, Gary R.  
 McCann, William H., Jr.  
 O'Brien, John  
 Tsiros, William

Corte, Arthur B.  
 Hashem, Elaine M.  
 Merrill, Amanda A.  
 Pelley, Janet R.  
 Vincent, Francis C.

Foss, Patricia H.  
 Jankowski, Peter M.  
 Nehring, William H.  
 Spencer, Leo J.  
 Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
 Krueger, Richard H.  
 Tetu, Michael A.

Burling, Peter Hoe  
 Lindblade, Eric N.  
 Walsh, Robert R.

Domini, Irene C.  
 Peyron, Fredrik

### NAYS 124 BELKNAP

Accornero, Harry  
Holbrook, Robert G.  
Ziegra, Alice S.

Cain, Thomas G.  
Turner, Robert H.

Hawkins, Robert S.  
Vogler, Charles C.

### CARROLL

Beach, Mildred A.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Gordon E.

Daly, Robert J., Jr.  
Saunders, Howard N.

### CHESHIRE

Grodin, Richard A.  
Kingsbury, H. Thayer  
Perry, David M.

Hogan, James B.  
Laurent, John J.

Hunt, John B.  
Metzger, Katherine H.

### COOS

Guay, Lawrence J.

Horton, Lynn C.

Pratt, Leighton C.

### GRAFTON

Bean, Pamela B.  
Driscoll, William J.  
Scanlan, David M.  
Ward, Kathleen W.

Brown, Patricia B.  
Lougee, Richard W.  
Stewart, Roger D.

Christy, C. Dana  
McIlwaine, Deborah P.  
Wadsworth, Karen O.

### HILLSBOROUGH

Alukonis, David J.  
Cook, Valerie S.  
Domaingue, Jacquelyn M.  
Ferguson, Charles  
Green, Scott E.  
Holden, Carol H.  
Kelley, Dana F.  
Lachut, Ervin R.  
McNerney, Daniel P.  
Paquette, Rodolphe G.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
Wright, George W.

Arnold, Barbara E.  
Cowenhoven, Garret P.  
Donovan, Francis X.  
Fields, Dennis H.  
Healy, Daniel J.  
Hultgren, David D.  
Kurk, Neal M.  
Lawrence, Norman B.  
Murphy, Robert E.  
Pepino, Leo P.  
Sallada, Roland A.  
Upton, Barbara A.

Calawa, Leon, Jr.  
Desrosiers, William J.  
Durham, Susan B.  
Goulet, Maurice E.  
Healy, Walter F.  
Jean, Romeo W.  
L'Heureux, Robert J.  
Lown, Elizabeth D.  
Ouellette, Robert O.  
Riley, Frances L.  
Smith, Leonard A.  
Wheeler, David K.

### MERRIMACK

Chandler, Earle W.  
Hager, Elizabeth S.  
Johnson, C. William  
Lockwood, Robert A.

Gilbreth, Robert M.  
Hayes, Robert C.  
Kidder, William F.  
Whittemore, James A.

Gross, Caroline L.  
Jelley, Francis D.  
Lewis, Mary Ann

### ROCKINGHAM

Benton, Richardson D.  
Coffey, John J.  
Dube, LeRoy S.  
Flanders, David A.  
Greene, Elizabeth A.  
Klemarczyk, Thaddeus E.

Boucher, William P.  
Connell, David R.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Klemm, Arthur P., Jr.

Campbell, Marilyn R.  
Dowling, Patricia A.  
Flanagan, Natalie S.  
Ford, Bert H.  
Keith, Brenda E.  
MacKinnon, Nancy W.

McCain, William F.  
 Raynowska, Bernard J.  
 Sytek, Donna P.  
 Weyler, Kenneth L.

McCarthy, John J., Jr.  
 Rubin, George R.  
 Tufts, Arthur

McKinney, Betsy  
 Simon, Peter M.  
 Warburton, Calvin

### STRAFFORD

Appleby, James E.  
 Frechette, Roland A.  
 Musler, George T.

Douglass, Clyde J.  
 Kinney, Paula J.  
 Parks, Joe B.

Flynn, Edward J.  
 Marston, Robert E.  
 Sullivan, Henry P.

### SULLIVAN

Behrens, Thomas A.  
 Stamatakis, Carol M.

Middleton, John A.

Schotanus, Merle W.

and the motion passed.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

Rep. Wadsworth notified the Clerk that she inadvertently voted nay and meant to vote yea.

Rep. Ann Torr abstained from voting under Rule 16.

Rep. Salatiello offered a floor amendment and spoke in favor.

### Floor Amendment

Amend the bill by replacing section 1 with the following:

1 Moratorium. Notwithstanding RSA 356-B, there is hereby established a 1-year moratorium, which shall be in effect upon the effective date of this act, on converting existing manufactured housing parks, as defined in RSA 205-A:1, II, into condominiums.

Amend the bill by replacing section 3 with the following:

3 Report. The committee established in section 2 of this act shall prepare a report on its findings, including recommendations for legislation to be introduced in the 1992 legislative session, and submit such report to the speaker of the house, the senate president, and the governor on or before November 1, 1991.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill places a 1-year moratorium on converting existing manufactured housing parks into condominiums.

The bill also establishes a committee to study the issue of conversion of existing manufactured housing parks into condominiums. The bill requires the committee to submit a report of its findings, including recommendations for proposed legislation, to the speaker of the house, the senate president, and the governor no later than November 1, 1991.

Adopted.

Amended report adopted.

Ordered to third reading.



**HB 695-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks. RE-REFER TO COMMITTEE.

This bill is a good bill, but still needs more work for the more than 100,000 people living in their own homes on rented land. Vote 11-2. Rep. Richard F. Doucette for State Institutions and Housing.

Re-referred to Committee.

**HB 706-FN**, relative to the allowable length of semi-trailers. OUGHT TO PASS WITH AMENDMENT.

This bill increases the allowable length from 48 feet to 53 feet for certain semi-trailers and further empowers the Department of Safety to restrict movement of those semi-trailers over designated roads or highways. The Commissioner may designate other roads or highways in the state where semi-trailers 53 feet or less in length may operate. Vote 13-0. Rep. Richard L. Haynes for Transportation.

#### Amendment

Amend RSA 266:11, II(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

*(a) The distance between the kingpin and the centerline of the rear axle or the midpoint of a tandem axle of the semi-trailer exceeds 41 feet;*

*(b) The semi-trailer is not equipped with a rear end protection device of substantial construction consisting of a continuous lateral beam extending to within 4 inches of the lateral extremities of the semi-trailer and located not more than 22 inches from the surface as measured with the semi-trailer empty and on a level surface; and*

*(c) Operated on highways other than any interstate or defense highway, unless such highway is designated by the commissioner. This shall not preclude movements on highways other than interstate, defense and designated highways for a distance of one mile to terminals, points of pickup and delivery, fuel, repairs, food or rest using the most direct, practical route except if the commissioner precludes such travel for specific safety reasons on individual routes. The commissioner may designate other roads or highways in the state where semi-trailers 53 feet in length or less may be operated. The commissioner may adopt rules pursuant to RSA 541-A to impose further requirements or limitations on semi-trailers of this length.*

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill increases the allowable length from 48 feet to 53 feet for certain semi-trailers.

The bill also places limitations on the types of highways such semi-trailers may travel.

Adopted.

Report adopted.

Ordered to third reading.

**HB 58**, establishing a Martin Luther King Day. INEXPEDIENT TO LEGISLATE.

The Committee's position regarding Martin Luther King holiday is advanced in House Bill 127. Therefore, this bill became unnecessary. Vote 15-0. Rep. John J. Sytek for Executive Departments and Administration.

Adopted.

**HB 61-FN**, relative to the distribution of moneys received as a result of the commission of a crime. RE-REFER TO COMMITTEE.

The Committee feels there is merit to the idea that criminals should not profit from royalties paid to them because they have been convicted of a crime. However, the Committee received an eight-page amendment on deadline day and wishes further time to study all the implications of the amendment. Vote 13-0. Rep. Benjamin J. DePecol for Judiciary.

Re-referred to Committee.

**HB 133**, relative to the right to know law. OUGHT TO PASS WITH AMENDMENT.

The bill changes the name of executive sessions to non-public sessions. The bill deletes the authority of a public body or agency to hold a non-public session solely for deliberation purposes. The Committee feels that the bill specifies the reasons a body or agency may go into non-public session, and identifies procedures by which a body or agency may conduct a non-public session. Vote 12-1. Rep. Benjamin J. DePecol for Judiciary.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Change. Amend RSA 12-A:6 to read as follows:

12-A:6 Advisory Commission; Duties. The commission shall consult with and advise the commissioner of resources and economic development with respect to the policy, programs and operations of the department upon a continuing basis and for said purposes shall meet with the commissioner not less frequently than annually at the call of the chairman or 3 commission members. A vacancy on the commission shall be filled in accordance with the requirements of RSA 12-A:5. It shall be the duty of the chairman to convene the commission not later than 10 days following his receipt of written request therefor from any 3 or more members thereof. The commissioner shall attend any meeting of the commission upon request of a majority of its membership. The advisory commission shall submit to the governor and council biennially[, beginning in October 1975,] a written report of the activities of the department covering the previous 2 calendar years, which report shall be a public document. [An executive] A *nonpublic* session of the advisory commission may be called at any time *for any of the reasons specified in RSA 91-A:3, II* upon majority vote and shall consist solely of the members thereof.

2 Reference Change. Amend RSA 91-A:2, II to read as follows:

II. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a

legislative committee, a notice of the time and place of each such meeting, including [an executive] **a nonpublic** session, shall be posted in 2 appropriate places or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the body or agency who shall employ whatever means are available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or guidelines or rules of order of any body or agency described in RSA 91-A:1-a require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

3 Nonpublic Sessions. RSA 91-A:3 is repealed and reenacted to read as follows:

91-A:3 Nonpublic Sessions.

I.(a) Bodies or agencies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II. No session at which evidence, information or testimony in any form is received shall be closed to the public, except as provided in paragraph II. No body or agency may enter nonpublic session, except pursuant to a motion properly made and seconded.

(b) Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session. The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present.

(c) All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion.

II. Only the following matters shall be considered or acted upon in nonpublic session:

(a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected requests an open meeting.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting.

(d) Consideration of the acquisition, sale or lease of property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled.

(f) Consideration of applications by the adult parole board under RSA 651-A.

III. Minutes of proceedings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect ad-

versely the reputation of any person other than a member of the body or agency itself or render the proposed action ineffective. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

4 Reference Change. Amend RSA 313-A:2, V to read as follows:

V. The board shall hold at least 6 regular meetings each year. Special meetings may be called at such times as the rules of the board may provide. A quorum of the board shall consist of no fewer than 4 members. All meetings of the board shall be open to the public, except when the board conducts [an executive] *a nonpublic* session under RSA 91-A.

5 Reference Change. Amend RSA 326-B:3, X to read as follows:

X. Board meetings shall be open to the public. In accordance with RSA 91-A:3 the board may conduct part of a meeting in [executive] *nonpublic* session.

6 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill deletes the authority of a body or agency to hold an executive session solely for deliberative purposes. References to "executive session" are changed to "nonpublic session."

Rep. Jasper moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Coffey spoke against.

Rep. Weyler spoke in favor.

Rep. Record spoke against.

Rep. Richard Campbell spoke against and yielded to questions.

Rep. Robinson spoke in favor and yielded to questions.

Rep. DePecol spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

#### YEAS 142

#### NAYS 183

#### YEAS 142 BELKNAP

Accornero, Harry  
Johnson, Carl R.  
Turner, Robert H.

Bartlett, Gordon E.  
Rice, Thomas E. P., Jr.  
Zaharchuk, Peter J., Jr.

Hawkins, Robert S.  
Shibley, Arnold P.

#### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Wiggin, Allen R.

Beach, Mildred A.  
Dickinson, Howard C.

Chandler, Gene G.  
Saunders, Howard N.

#### CHESHIRE

Crutchley, Donald O.  
Grodin, Richard A.  
Morse, Jo Ann T.

Feuer, Joseph N.  
Laurent, John J.  
Perry, David M.

Foster, Katherine D.  
Metzger, Katherine H.

#### COOS

Brungot, Catherine V.  
Merrill, Gerald P.

Buckley, C. Fitzgerald

Guay, Lawrence J.



**GRAFTON**

Christy, C. Dana  
 Hill, Richard L.  
 Lougee, Richard W.  
 Trelfa, Richard T.  
 White, Paul R.

Dow, David  
 LaMott, Paul I.  
 McIlwaine, Deborah P.  
 Wadsworth, Karen O.

Driscoll, William J.  
 Larson, Nils H., Jr.  
 Scanlan, David M.  
 Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Amidon, Eleanor H.  
 Dyer, Merton S.  
 Fenton, James J.  
 Gagnon, Eugene L.  
 Hanselman, Gregory L.  
 Jasper, Shawn N.  
 L'Heureux, Robert J.  
 Laughlin, J. Francis  
 Lefebvre, Roland J.  
 Mercer, Robert S.  
 Rheault, Lillian I.  
 Smith, Leonard A.  
 Vanderlosk, Stanley R.  
 Wright, George W.

Dodge, Emma M.  
 Elliott, Larry G.  
 Fields, Dennis H.  
 Goulet, Maurice E.  
 Holden, Carol H.  
 Johnson, Lionel W.  
 Lachut, Ervin R.  
 Lawrence, Eva M.  
 McCann, Bonnie Lou  
 Perham, Lester R.  
 Robinson, Ellen-Ann  
 Steiner, Lee Anne  
 Wheeler, David K.

Drabinowicz, A. Theresa  
 Emerton, Lawrence A.  
 Gage, Ruth E.  
 Greenglass, Alan B.  
 Hultgren, David D.  
 King, Frank P.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 McRae, Karen K.  
 Peters, Stanley W.  
 Searles, Stanley N., Sr.  
 Upton, Barbara A.  
 Wheeler, Robert L.

**MERRIMACK**

Apple, Lowell D.  
 Carter, Susan D.  
 Gilbreth, Robert M.  
 Lewis, Mary Ann  
 Stapleton, Henry F.

Barberia, Richard A.  
 Chandler, Earle W.  
 Hayes, Robert C.  
 Nichols, Avis B.  
 Yeaton, Charles B.

Boucher, Laurent J.  
 Christie, Thomas J.  
 Jelley, Francis D.  
 Smith, Gerald R.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Cote, Patricia L.  
 Flanagan, Natalie S.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 MacKinnon, Nancy W.  
 Packard, Sherman A.  
 Rubin, George R.  
 Sytek, John J.  
 Weyler, Kenneth L.

Benton, Richardson D.  
 Connell, David R.  
 Dowd, Sandra K.  
 Ford, Bert H.  
 Haynes, Richard  
 Johnson, Robert A.  
 McCain, William F.  
 Raynowska, Bernard J.  
 Splaine, John E., Sr.  
 Tufts, Arthur

Boucher, William P.  
 Conroy, Janet M.  
 Dube, LeRoy S.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Lovejoy, Virginia K.  
 McCarthy, John J., Jr.  
 Rosencrantz, James R.  
 Sytek, Donna P.  
 Welch, David A.

**STRAFFORD**

Corte, Arthur B.  
 Frechette, Roland A.  
 Musler, George T.

Douglass, Clyde J.  
 Kinney, Paula J.  
 Nehring, William H.

Foss, Patricia H.  
 Marston, Robert E.  
 Spencer, Leo J.

**SULLIVAN**

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.

Domini, Irene C.  
 Middleton, John A.  
 Schotanus, Merle W.

Krueger, Richard H.  
 Peyron, Fredrik

### NAYS 183 BELKNAP

Cain, Thomas G.  
Joscelyn, William W.  
Salatiello, Thomas B.

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Vogler, Charles C.

Holbrook, Robert G.  
Rosen, Ralph J.  
Ziegra, Alice S.

### CARROLL

Bradley, Jeb E.

Foster, Robert W.

Wiggin, Gordon E.

### CHESHIRE

Burnham, Daniel M.  
DePecol, Benjamin J.  
Hunt, John B.  
Pratt, Irene A.

Champagne, Richard L.  
Doucette, Richard F.  
Kingsbury, H. Thayer  
Sawyer, Alfred P.

Clark, Eugene W.  
Hogan, James B.  
LaMar, David M.  
Spear, Susan S.

### COOS

Coulombe, Henry W.  
Mayhew, Josephine  
Pratt, Leighton C.

Horton, Lynn C.  
Nelson, Harold D.  
Therault, Romeo J.

Kilbride, Dennis J.  
Oliver, Terry D.

### GRAFTON

Adams, Carl S.  
Brown, Patricia B.  
Guest, Robert H.  
Stewart, Roger D.

Bean, Pamela B.  
Chambers, Mary P.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.

Brown, Channing T.  
Copenhaver, Marion L.  
Nordgren, Sharon L.  
Ward, Kathleen W.

### HILLSBOROUGH

Alukonis, David J.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Hall, Betty B.  
Jean, Romeo W.  
Kelley, Robert N.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Murphy, Robert E.  
Ouellette, Robert O.  
Pepino, Leo P.  
Reidy, Frank J.  
Soucy, Donna M.  
Turgeon, Roland M.

Andrews, Frederick B.  
Baroody, Benjamin C.  
Buckley, Raymond  
Cook, Valerie S.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Ford, Nancy M.  
Green, Scott E.  
Healy, Daniel J.  
Keane, Cornelius J.  
Kurk, Neal M.  
Lozeau, Donnalee M.  
Messier, Irene M.  
Nardi, Theodora P.  
Packard, Bonnie B.  
Pignatelli, Debora B.  
Rothhaus, Finlay C.  
Tarpley, Nancy L.  
White, John M.

Arnold, Barbara E.  
Bourque, Ann J.  
Burke, Stephen J.  
Cote, David E.  
Daigle, Robert A.  
Desrosiers, William J.  
Drolet, Paul L.  
Ferguson, Charles  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Kelley, Dana F.  
Leclerc, Charles J.  
McDowell, James E.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Record, Alice B.  
Sallada, Roland A.  
Tate, Joan C.

### MERRIMACK

Braiterman, Thea  
Dunn, Miriam D.  
Gross, Caroline L.

Chandler, John P.  
Fair, Patricia A.  
Hager, Elizabeth S.

Daneault, Gabriel J.  
Fillion, Paul R.  
Hall, Douglas E.

Hill, Michael J.  
Kidder, William F.  
Molner, Mary E.  
Trombly, Rick A.

Jacobson, Alf E.  
Letourneau, George E.  
Soldati, Jennifer G.  
Whittemore, James A.

Johnson, C. William  
Lockwood, Robert A.  
Stio, Peter M.

### ROCKINGHAM

Bell, Juanita L.  
Christie, Andrew, Jr.  
Cooke, Annette M.  
Drake, Herbert R.  
Flanders, John W., Sr.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
McKinney, Betsy  
Schanda, Joseph, Sr.  
Skinner, Patricia M.  
Terninko, Margaret B.  
Warburton, Calvin

Brown, Jeffrey M.  
Clark, Martha Fuller  
DiPietro, Carmela M.  
Felch, Charles H., Sr.  
Griebsch, Linda  
Keith, Brenda E.  
Magoon, Harold F.  
Palazzo, Frank J.  
Senter, Marilyn P.  
Smith, Arthur W.  
Thayer, Leroy C.  
Woods, Deborah L.

Caswell, Albert, Jr.  
Coffey, John J.  
Dowling, Patricia A.  
Flanders, David A.  
Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
Malcolm, Kenneth W.  
Pantelakos, Laura C.  
Simon, Peter M.  
Syracusa, Anthony  
Vaughn, Charles L.

### STRAFFORD

Appleby, James E.  
Gilmore, Gary R.  
Kincaid, William K.  
O'Brien, John  
Sullivan, Henry P.  
Vincent, Francis C.

Bickford, Drucilla  
Hashem, Elaine M.  
McCann, William H., Jr.  
Parks, Joe B.  
Torr, Ann M.  
Wheeler, Katherine W.

Flynn, Edward J.  
Jankowski, Peter M.  
Merrill, Amanda A.  
Pelley, Janet R.  
Tsiros, William

### SULLIVAN

Allison, David C.  
Tetu, Michael A.

Burling, Peter Hoe  
Walsh, Robert R.

Stamatakis, Carol M.

and the motion failed.

Rep. Hambrick notified the Clerk that she wished to be recorded in opposition to the motion.

Amendment adopted.

Report adopted.

Ordered to third reading.

Reps. Gross and Chambers offered the following:

**HCR 13**, calling for a delay in the implementation of the Internal Revenue Service advisory opinion on mileage reimbursements for members of the general court.

Whereas, the Portsmouth district office of the United States Internal Revenue Service has recently issued an advisory opinion declaring that members of the New Hampshire general court are employees of the state of New Hampshire for Internal Revenue Service purposes; and

Whereas, such a conclusion has resulted in a determination by the Internal Revenue Service that mileage reimbursements made to state legislators are deemed to be income; and

Whereas, these reimbursements when added to the \$200 biennial salary received by legislators may result in an annual income which is incorrectly inflated and may make some legislators no longer eligible for certain programs such as disability benefits and subsidized housing; and

Whereas, members of the general court strongly disagree with the ruling of the district office, believing it to be both incorrect and unfair; and

Whereas, members of the New Hampshire congressional delegation have indicated their willingness to work with members of the general court to address this issue on the federal level: now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of the state of New Hampshire supports a solution which would recognize mileage payments as reimbursements rather than income; and

That the general court of the state of New Hampshire requests a delay in implementing this advisory opinion until January 1, 1993, in order to pursue resolution of this issue and to insure that candidates for the New Hampshire house of representatives and senate are aware of this ruling and its potential effect; and

That the general court commends members of their congressional delegation for their assistance and continued efforts to resolve this issue at the federal level.

Reps. Michael Hill and Burling spoke in favor.

Unanimously adopted.

**HB 674-FN**, designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers. **OUGHT TO PASS WITH AMENDMENT.**

New Hampshire's rivers comprise one of its most important natural resources, vital to our state's tourism industry, water supplies, recreation and quality of life. Two years ago, the Legislature passed the New Hampshire Rivers Management and Protection Program, which was designed to protect the flow and water quality of our outstanding rivers. Technical assistance to those towns that request it also is available for river-corridor planning. The upper Merrimack, lower Merrimack, Saco, Swift and Lamprey rivers were given protection last year with the enthusiastic support of the Legislature and the communities through which these rivers pass. This year, community groups nominated three more outstanding rivers to the Program, the Pemigewasset (which flows from Franconia to Franklin), the North Branch (from Stoddard to Hillsborough), and the Contoocook (from Rindge to Concord). The Rivers Management Advisory Committee, with members representing the Granite State Hydro-power Association, the Business and Industry Association, Fish and Game Commission, and other interests, endorsed the nomination of both rivers, and it is now the Legislature's turn to approve of their designation into the Rivers Protection and Management Program.

Two long days of testimony were heard by the Committee. Support for both rivers was widespread; the Contoocook and North Branch Rivers universally supported, the Pemi by a majority of towns along it. Odd bedfellows, ranging from Trout Unlimited to PSNH, also endorsed the noninations.

The Committee also learned of controversy concerning the construction of a dam at the Livermore Falls Gorge in Campton, which would be prohibited under this bill. The gorge, described by DRED Commissioner, Stephen Rice as "an outstanding scenic and visual resource of great significance to New Hampshire," would be flooded. The state's multi-million dollar investment in the Atlantic salmon restoration program also would be lost. As the Federal Energy Regulatory Commission put it, "the (dam) project's significant unavoidable adverse environmental impacts would greatly outweigh its power benefits."



The Committee recognizes the outstanding value of the Pemi, as does the nation. With the strong support of the entire New Hampshire Congressional Delegation, President Bush recently signed legislation authorizing the National Park Service to study the Pemi for federal wild and scenic river designation, precluding dam construction for at least six years. While the Committee is sympathetic to the towns along the Pemi opposed to the nomination that would receive a small amount of money from the dam developers, the Committee believes this river, along with the Contoocook and North Branch, are important resources whose water quality and quantity deserve state protection for all of the citizens of New Hampshire.

In recommending passage, the Committee also notes that passage shall not adversely affect present or contemplated water supply projects from the waters of the Contoocook for the town of Jaffrey. Vote 15-2. Rep. Steven R. Maviglio for Resources, Recreation and Development.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraphs; Rivers Designated as Protected. Amend RSA 483:15 by inserting after paragraph V the following new paragraphs:

#### VI. Pemigewasset River:

(1) As a natural river from the outlet of Profile Lake in Franconia to the southern boundary of Franconia Notch State Park.

(2) As a "rural river":

(A) From the northernmost Thornton town line to the I-93 bridge in Plymouth.

(B) From the Holderness - Ashland town line to the Franklin Falls flood control dam.

(3) As a community river:

(A) From the I-93 bridge in Plymouth to the Holderness-Ashland town line.

(B) From the Franklin Falls flood control dam to its confluence with the Merrimack River.

#### VII.(a) Contoocook River - main stem:

(1) As a "rural river":

(A) From the Old Sharon Road Bridge in Jaffrey to Noone Falls Dam in Peterborough.

(B) From the North Peterborough Dam to the monument on the Peterborough - Hancock town line.

(C) From the North Bennington Road bridge in Antrim and Bennington to the confluence of the north branch of the Contoocook River in Hillsborough.

(D) From the Hosiery Mill dam in Hillsborough to the twin iron bridges in west Henniker.

(E) From the Shoe Factory Dam in Henniker to the Riverhill Bridge in Penacook.

(2) As a "community river":

(A) From the outlet of Poole Pond in Rindge to Old Sharon Road bridge in Jaffrey.

(B) From the Noone Falls Dam in Peterborough to North Peterborough Dam.

(C) From the monument on the Peterborough - Hancock town line to the North Bennington Road bridge in Antrim and Bennington.

(D) From the confluence of the North Branch of the Contoocook River in Hillsborough to the Hosiery Mill Dam in Hillsborough.

(E) From the twin iron bridges in West Henniker to the Shoe Factory Dam in Henniker.

(F) From the Riverhill Bridge in Penacook to the confluence with the Merrimack River.

(b) Contoocook River - north branch: From the outlet of Rye Pond in Stoddard to the confluence with the main stem in Hillsborough as a "rural river."

2 Fertilizers Added. Amend RSA 483:9, VI(c) to read as follows:

(c) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure *and wood ash* used for fertilizer, *and sludge and septage* shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment;

3 Fertilizers Added. Amend RSA 483:9-a, VII(b) to read as follows:

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure *and wood ash* used for fertilizer, *and sludge and septage* shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment;

4 Fertilizer Added. Amend RSA 483:9-b, VII(b) to read as follows:

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure *and wood ash* used for fertilizer, *and sludge and septage* shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated river or segment;

5 Date Extended. Amend 1988, 271:2 as amended by 1990, 233:17 to read as follows:

273:2 Interim Protection Measures.

*I. Notwithstanding the provisions of RSA 483, but for the purposes of RSA 483:5, no new dams shall be permitted, between June 29, 1988, and July 1, 1991, on the mainstreams of the following rivers:*

*[I.](a) Pemigewasset River*

*[II.](b) Contoocook River*

*II. Notwithstanding the provisions of RSA 483, but for the purposes of RSA 483:5, no new dams shall be permitted, between June 29, 1988 and July 1, 1993, on the mainstream of the [III.] Connecticut River, excepting that segment north of the confluence of the Israel River in the town of Lancaster.*

6 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill designates certain segments of the Pemigewasset, Contoocook, and North Branch of the Contoocook rivers as protected rivers under the rivers management and protection program. This bill extends the interim protection date for a portion of the Connecticut River. The bill also expands what type of materials can be applied as fertilizer and are subject to the 250-foot minimum setback requirements.

Rep. White requested that the question be divided.

The Chair ruled that the question was divisible, and that Section 1, VI would be voted on separately.

Rep. White spoke against.

Rep. Maviglio spoke in favor and yielded to questions.

It was requested that the questions by Rep. Lougee and the responses by Rep. Maviglio be printed in the Journal.

Question by Rep. Lougee: While New Hampshire plays host to the world's best skiers at Waterville Valley, I think it is appropriate to ask how this bill, as written, would affect our state ski areas. Can we be assured it is not the intention of this bill, or by placing these rivers in the New Hampshire Rivers and Protection Program, that any agency, federal, state or local as well as any private concern should interpret this bill in any way as state opposition to the clean use of any tributary rivers that run into these rivers or the clean use of bodies of water that are contained in the watersheds of these rivers by the ski areas of this state or that of any state opposition to any of the streams under consideration.

Rep. Maviglio: Well, you're close with the river, Loon Mountain will withdraw their water from either Loon Pond, which is not a river or East Branch Pemigewasset River, which is a river but is not designated in this program. Unless a river is designated in the program, it doesn't affect it. So the answer would be that Loon Mountain would not be affected by this.

Question by Rep. Lougee: I would also ask that any tributary of the Mad River, which Waterville Valley is located on also runs into the Pemigewasset, Waterville Valley would also not be affected in any way by this bill.

Rep. Maviglio: The Speaker just read the rivers and segments that would be nominated, I did not hear the Mad River so I would assume that it would not, or I know that it would not be affected.

Reps. John Chandler and William Boucher spoke in favor.

Rep. Nielsen spoke against and yielded to questions.

Rep. Paul White yielded to questions.

Rep. Stamatakis spoke in favor.

Roll call request sufficiently seconded.

The question being on the adoption of Sec. I, VI.

### YEAS 263

### NAYS 56

#### YEAS 263

#### BELKNAP

Accornero, Harry

Campbell, Richard H., Jr.

Joscelyn, William W.

Rosen, Ralph J.

Turner, Robert H.

Bartlett, Gordon E.

Hawkins, Robert S.

Maviglio, Steven R.

Salatiello, Thomas B.

Zaharchuk, Peter J., Jr.

Cain, Thomas G.

Holbrook, Robert G.

Rice, Thomas E. P., Jr.

Shibley, Arnold P.

Ziegler, Alice S.

#### CARROLL

Allard, Nanci A.

Dickinson, Howard C.

Wiggin, Gordon E.

Beach, Mildred A.

Foster, Robert W.

Bradley, Jeb E.

Wiggin, Allen R.

#### CHESHIRE

Burnham, Daniel M.

Cole, Kenneth A.

Doucette, Richard F.

Champagne, Richard L.

Crutchley, Donald O.

Feuer, Joseph N.

Clark, Eugene W.

DePecol, Benjamin J.

Grodin, Richard A.

Hogan, James B.  
LaMar, David M.  
Pratt, Irene A.  
Spear, Susan S.

Hunt, John B.  
Metzger, Katherine H.  
Riley, William A.

Kingsbury, H. Thayer  
Perry, David M.  
Sawyer, Alfred P.

### COOS

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Therault, Romeo J.

Coulombe, Henry W.  
Nelson, Harold D.

Horton, Lynn C.  
Oliver, Terry D.

### GRAFTON

Adams, Carl S.  
Brown, Patricia B.  
Guest, Robert H.  
Lougee, Richard W.  
Teschner, Douglass P.

Arnesen, Deborah L.  
Chambers, Mary P.  
Hill, Richard L.  
Mellwaine, Deborah P.  
Wadsworth, Karen O.

Bean, Pamela B.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.

### HILLSBOROUGH

Alukonis, David J.  
Arnold, Barbara E.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cote, David E.  
Daigle, Robert A.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Ferguson, Charles  
Gage, Ruth E.  
Goulet, Maurice E.  
Hall, Betty B.  
Healy, Walter F.  
Jasper, Shawn N.  
Keane, Cornelius J.  
Kurk, Neal M.  
Laroche, Roger B.  
Lozeau, Donnalce M.  
McNerney, Daniel P.  
Messier, Irene M.  
Nardi, Theodora P.  
Pepino, Leo P.  
Record, Alice B.  
Sallada, Roland A.  
Soucy, Donna M.  
Tate, Joan C.  
Vanderlosk, Stanley R.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Buckley, Raymond  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Dyer, Merton S.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Green, Scott E.  
Hanselman, Gregory L.  
Holden, Carol H.  
Jean, Romeo W.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Perham, Lester R.  
Reidy, Frank J.  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Turgeon, Roland M.  
Wheeler, Robert L.

Andrews, Frederick B.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Cook, Valerie S.  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.  
Durham, Susan B.  
Fenton, James J.  
Ford, Nancy M.  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Hultgren, David D.  
Johnson, Lionel W.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
McDowell, James E.  
Mercer, Robert S.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Pignatelli, Debora B.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Tarpley, Nancy L.  
Upton, Barbara A.  
White, John M.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Daneault, Gabriel J.  
Fillion, Paul R.

Barberia, Richard A.  
Chandler, Earle W.  
Dunn, Miriam D.  
Gilbreth, Robert M.

Braiterman, Thea  
Chandler, John P.  
Fair, Patricia A.  
Gross, Caroline L.



Hager, Elizabeth S.  
Jacobson, Alf E.  
Letourneau, George E.  
Molner, Mary E.  
Stio, Peter M.  
Yeaton, Charles B.

Hall, Douglas E.  
Jelley, Francis D.  
Lewis, Mary Ann  
Nichols, Avis B.  
Teague, Bert

Hill, Michael J.  
Johnson, C. William  
Lockwood, Robert A.  
Soldati, Jennifer G.  
Trombly, Rick A.

### ROCKINGHAM

Barnes, John S., Jr.  
Boucher, William P.  
Christie, Andrew, Jr.  
Connell, David R.  
Cote, Patricia L.  
Dube, LeRoy S.  
Flanders, Harry E.  
Gage, Beverly A.  
Haynes, Richard  
Hynes, Carolyn E.  
Keith, Brenda E.  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Schanda, Joseph, Sr.  
Simon, Peter M.  
Splaine, John E., Sr.  
Terninko, Margaret B.  
Warburton, Calvin  
Woods, Deborah L.

Bell, Juanita L.  
Campbell, Marilyn R.  
Clark, Martha Fuller  
Conroy, Janet M.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Greene, Elizabeth A.  
Hoar, John, Jr.  
Kane, Cecelia D.  
Klemarczyk, Thaddeus E.  
MacKinnon, Nancy W.  
McCain, William F.  
Raynowska, Bernard J.  
Senter, Marilyn P.  
Skinner, Patricia M.  
Syracusa, Anthony  
Tufts, Arthur  
Welch, David A.

Benton, Richardson D.  
Caswell, Albert, Jr.  
Coffey, John J.  
Cooke, Annette M.  
Drake, Herbert R.  
Flanders, David A.  
Ford, Bert H.  
Griebsch, Linda  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Rubin, George R.  
Seward, Russell G.  
Smith, Arthur W.  
Sytek, Donna P.  
Vaughn, Charles L.  
Weyler, Kenneth L.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Hashem, Elaine M.  
Marston, Robert E.  
O'Brien, John  
Spencer, Leo J.  
Vincent, Francis C.

Bickford, Drucilla  
Foss, Patricia H.  
Jankowski, Peter M.  
McCann, William H., Jr.  
Parks, Joe B.  
Sullivan, Henry P.  
Wheeler, Katherine W.

Corte, Arthur B.  
Gilmore, Gary R.  
Kinney, Paula J.  
Merrill, Amanda A.  
Pelley, Janet R.  
Torr, Ann M.

### SULLIVAN

Allison, David C.  
Krueger, Richard H.  
Rodeschin, Beverly T.  
Tetu, Michael A.

Burling, Peter Hoe  
Middleton, John A.  
Schotanus, Merle W.  
Walsh, Robert R.

Domini, Irene C.  
Peyron, Fredrik  
Stamatakis, Carol M.

### NAYS 56 BELKNAP

Johnson, Carl R.

Vogler, Charles C.

### CARROLL

Chandler, Gene G.

Daly, Robert J., Jr.

### CHESHIRE

Laurent, John J.

**COOS**

Brungot, Catherine V.  
Merrill, Gerald P.

Guay, Lawrence J.  
Pratt, Leighton C.

Mayhew, Josephine

**GRAFTON**

Dow, David  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
White, Paul R.

Driscoll, William J.  
Scanlan, David M.  
Ward, Kathleen W.

LaMott, Paul I.  
Stewart, Roger D.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Bowers, Dorothy C.  
Emerton, Lawrence A.  
Lawrence, Eva M.  
Packard, Bonnie B.  
Riley, Frances L.  
Wright, George W.

Daniels, Gary L.  
Ferlan, Arthur P.  
Leclerc, Charles J.  
Peters, Stanley W.  
Rothhaus, Finlay C.

Elliott, Larry G.  
Greenglass, Alan B.  
Ouellette, Robert O.  
Rheault, Lillian I.  
Wheeler, David K.

**MERRIMACK**

Christie, Thomas J.  
Smith, Gerald R.

Hayes, Robert C.  
Stapleton, Henry F.

Kidder, William F.  
Whittemore, James A.

**ROCKINGHAM**

Brown, Jeffrey M.  
Flanagan, Natalie S.  
Palazzo, Frank J.  
Thayer, Leroy C.

DiPietro, Carmela M.  
Johnson, Robert A.  
Rosencrantz, James R.

Dowling, Patricia A.  
Packard, Sherman A.  
Sytek, John J.

**STRAFFORD**

Kincaid, William K.  
Tsiros, William

Musler, George T.

Nehring, William H.

**SULLIVAN**

None

and Section I, VI was adopted.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

The remainder of the amendment was adopted.

Report adopted.

Ordered to third reading.

**HB 709-FN**, establishing a study committee relative to clearcutting forest resources. **OUGHT TO PASS WITH AMENDMENT.**

Legislation that regulates timber harvest cutting and other forest practices is in place, but the practice of clearcutting forest resources has not been addressed. This study committee will define clearcutting and consider the concerns of the forest land-owners and the effect on all phases of the ecology. The amendment changes the composition of the committee. Vote 14-0. Rep. William H. Nehring for Resources, Recreation and Development.

### Amendment

Amend the bill by replacing all after section 1 with the following:

#### 2 Study Committee Established.

I. There is hereby established a committee which will study and consider the need for legislation regarding a comprehensive clearcutting act to preserve and enhance the natural, aesthetic, and recreational resources of New Hampshire.

II. The duties of the committee shall be to meet to review the practice of clearcutting in the state, and to determine whether legislation should be enacted. If legislation is proposed, consideration shall be given to legislation that would:

(a) Define all areas of clearcutting.

(b) Distinguish forested areas in which clearcutting is appropriate, including shoreline cutting.

(c) Establish size limitations for clearcuts, if needed.

(d) Establish minimum standards for best forestry practices to accomplish clearcutting.

(e) Include a method of financing the equitable enforcement of such a statute.

(f) Include other provisions relative to the regulation of clearcutting.

III. The study committee shall also investigate the findings on clearcutting of other New England states, and its recommendation shall be in the form of a report to be submitted by November 1, 1991 to the governor, the president of the senate, and the speaker of the house. A study committee goal will be to distribute this report to the general public as widely as possible, using ongoing appropriate public and private program efforts.

IV. The membership of the committee shall be comprised of the following:

(a) The chairman of the resources, recreation and development committee, who shall serve as chairman of the committee.

(b) Four members of the house of representatives, appointed by the speaker of the house, of whom 2 shall be from the resources, recreation and development committee, one from the environment and agriculture committee, and one from the municipal and county government committee.

(c) Three members of the senate, appointed by the senate president, at least one of whom is a member of the environment committee.

V. The committee shall be entitled to legislative mileage when performing duties in connection with the committee.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a legislative study committee to consider legislation regarding a comprehensive clearcutting act. The legislation would look to preserving the state's forest resources while safeguarding the aquatic, wildlife, recreational, and aesthetic resources of the state.

Adopted.

Rep. Dickinson offered a floor amendment.

**Floor Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing a study committee relative to clearcutting  
forest resources and extending the effective  
date for rulemaking by the board of  
licensing for foresters.

Amend the bill by replacing all after section 2 with the following:

3 Board of Licensing for Foresters to Adopt Rules. The state board of licensing for foresters shall adopt rules on or before January 1, 1992, pursuant to the rulemaking authority granted to the board under RSA 310-A:102.

4 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes a study committee to consider legislation regarding a comprehensive clearcutting act. The legislation would look to preserving the state's forest resources while safeguarding the aquatic, wildlife, recreational, and aesthetic resources of the state. The committee shall be comprised of legislators and persons appointed by the governor and council.

The bill also requires the board of licensing for foresters to adopt rules by January 1, 1992.

Adopted.

Report adopted.

Ordered to third reading.

**REGULAR CALENDAR**

**HB 589-FN**, relative to holding companies. **OUGHT TO PASS WITH AMENDMENT.**

This bill strengthens the position of the Insurance Commissioner in regulating acquisitions and mergers of domestic insurance companies particularly in the field of investment qualification. The purpose of the bill is to enable the Insurance Commissioner to react quickly if a case of insolvency arises. Vote 16-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

**Amendment**

Amend RSA 401-B:2, V as inserted by section 2 of the bill by replacing it with the following:

V. Qualification of Investment; When Determined. Whether any investment pursuant to paragraph II or III meets the applicable requirements thereof is to be determined before such investment is made, by calculating the applicable investment limitations as though the investment had already been made, taking into account the then outstanding principal balance on all previous investments in debt obligations, and the current value of all previous investments in equity securities, net of any return of capital invested, not including dividends.



Amend RSA 401-B:3, XI as inserted by section 3 of the bill by replacing it with the following:

XI. Violations of Acquiring Parties. Any acquiring party which violates any provision of this section shall be subject to an administrative fine not to exceed \$2,500 for each violation.

Amend RSA 401-B:3, V(b) and (c) as inserted by section 4 of the bill by replacing them with the following:

(b) Any person who violates a cease and desist order of the commissioner under subparagraph V(a) shall be subject to suspension or revocation of license, to an administrative fine not to exceed \$2,500 for each day of violation, or both, in the discretion of the commissioner.

(c) Any insurer or other person who fails to make any filing required by this section and who also fails to demonstrate a good faith effort to comply with any such filing requirement, shall be subject to an administrative fine not to exceed \$10,000.

Amend RSA 401-B:5, I(c) as inserted by section 7 of the bill by replacing it with the following:

(c) A domestic insurer may not enter into transactions which are part of a plan or series of like transactions with persons within the holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise.

Amend RSA 401-B:5, II as inserted by section 7 of the bill by replacing it with the following:

## II. DIVIDENDS AND OTHER DISTRIBUTIONS.

(a) No licensed insurance company shall pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until;

(1) Thirty days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment; or

(2) The commissioner shall have approved such payment within such 30 day period.

(b) For the purposes of this paragraph, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding 12 months exceeds the greater of:

(1) Ten percent of such insurer's surplus as regards policyholders as of the December 31 next preceding; or

(2) The net gain from operations of such insurer, if such insurer is a life insurer, or the net investment income, if such insurer is not a life insurer, for the 12 month period ending the December 31, next preceding, but shall not include pro rata distributions of any class of the insurer's own securities.

(c) Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, and such a declaration shall confer no rights upon shareholders until;

(1) The commissioner has approved the payment of such dividend or distribution; or

(2) The commissioner has not disapproved such payment within the 30 day period referred to above.

Amend RSA 401-B:10 as inserted by section 9 of the bill by replacing it with the following:

401-B:10 Sanctions. Any insurer who knowingly fails to file any registration statement as required in this chapter shall be subject to an administrative fine not to exceed \$2,500.

#### AMENDED ANALYSIS

This bill modifies existing law on insurance holding companies by adding procedures and standards for acquisitions and mergers of certain holding companies.

The bill also creates administrative fines in addition to the existing criminal penalties for violations of the chapter.

Adopted.

Report adopted.

Ordered to third reading.

#### SENATE MESSAGES

##### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 50-FN-A**, relative to state revenue and expenditures.

The President appointed Sens. Dupont, Blaisdell and Hough.

#### REGULAR CALENDAR (continued)

**HB 638-FN**, relative to credit for reinsurance. OUGHT TO PASS WITH AMENDMENT.

This bill restricts the types of companies with whom insurers are allowed to enter into reinsurance agreements. It also provides a means to allow an insurer organized under the laws of any other state to become a domestic insurer and to allow a domestic insurer to transfer its domicile to another state. The Committee felt that the bill will assist the Insurance Department in monitoring and protecting the public with regard to insurance company solvency. Vote 17-0. Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the introductory paragraph of RSA 405:46 as inserted by section 1 of the bill by replacing it with the following:

405:46 Credit Allowed a Domestic Ceding Insurer. Credit for all new and renewal reinsurance transactions entered into on or after January 1, 1992, shall be allowed a domestic ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of RSA 405:46, I, II, III, IV, or V. If an insurer meets the requirements of paragraph III or IV, the requirements of paragraph VI shall also be met:

Amend RSA 405:46, III(a) as inserted by section 1 of the bill by replacing it with the following:

III.(a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer, including a U.S. branch of an alien insurer, which is licensed in a state which employs standards regarding credit for reinsurance substantially similar to those applicable under this section and the assuming insurer or U.S branch of an alien assuming insurer:

(1) Maintains a surplus as regards policyholders in an amount not less than \$20,000,000; and

(2) Submits to the authority of the commissioner to examine its books and records.

Amend section 2 of the bill by replacing it with the following:

2 Reduction from Liability for Reinsurance Ceded by a Domestic Insurer to an Assuming Insurer. RSA 405:48 is repealed and reenacted to read as follows:

405:48 Reduction from Liability for Reinsurance Ceded by a Domestic Insurer to an Assuming Insurer. A reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of RSA 405:46 shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer. Such reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations under such contract, if such security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or, in the case of a trust, held in a qualified United States financial institution, as defined in RSA 405:45, VII. This security may be in the form of:

I. Cash.

II. Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners and qualifying as admitted assets.

III. Clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified United States institution, as defined in RSA 405:45, VI, no later than December 31, in the year for which filing is being made, and in the possession of the ceding company on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs.

IV. Any other form of security acceptable to the commissioner.

Amend section 3 of the bill by replacing it with the following:

3 Qualified United States Financial Institutions. RSA 405:45, VI and VII are repealed and reenacted to read as follows:

VI. For purposes of RSA 405:48, III, a "qualified United States financial institution" means an institution that:

(a) Is organized or, in the case of a U.S. office of a foreign banking organization, licensed, under the laws of the United States or any state thereof.

(b) Is regulated, supervised and examined by U.S. federal or state authorities having regulatory authority over banks and trust companies.

(c) Has been determined by either the commissioner or the Securities Valuation Office of the National Association of Insurance Commissioners to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit shall be acceptable to the commissioner.

VII. A "qualified United States financial institution" means, for purposes of those provisions of this law specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:

(a) Is organized, or, in the case of a U.S. branch or agency office of a foreign banking organization, licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers.

(b) Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.

Amend the bill by deleting sections 4 and 6 and renumbering sections 5 and 7 to read as 4 and 5, respectively.

Amend section 5 of the bill by replacing it with the following:

5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1992.

Adopted.

Report adopted.

Ordered to third reading.

**HB 384-FN**, relative to land surveying by corporations or partnerships. **INEXPEDIENT TO LEGISLATE**.

There are some merits to the bill; however, the bill restricts part-time ... usually semi-retired surveyors ... from working; and the testimony indicated very few complaints. The Committee felt that the bill did not address any significant complaint that presently is not being addressed. Vote 16-0. Rep. Lawrence A. Emerton for Executive Departments and Administration.

Adopted.

**HB 566-FN**, relative to fuel efficiency standards for state vehicles. **INEXPEDIENT TO LEGISLATE**.

The Committee felt that there was no need for this legislation at this time because both the Departments of Transportation and Administrative Services are already aware of the need for fuel efficiency standards in all state vehicles. Vote 15-1. Rep. Kathleen W. Ward for Executive Departments and Administration.

Adopted.

**HB 161-FN**, to allow former federal employees to purchase credit for their federal services as creditable service in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**.

In the last session legislation was passed to allow Group I and Group II employees to buy creditable service as earned in other states. This bill adds those who have creditable service with the federal government, i.e. civilian employees. The amendment excludes career military service as purchasable for retirement purposes. In addition, the amendment corrects the technicality that now exists when an employee has retired, but has not yet received the first check (a 30-60 day period) to cover an employee's death benefits between the time of retirement and actually receiving benefits. The second part of the amendment defines an employer participation in the New Hampshire Retirement System as required by the federal ERISA Law which allows for an exempt governmental pension system, i.e., as New Hampshire enjoys; and repeals those laws that have allowed over the years non-governmental employers' participation. Vote 13-1. Rep. Kathleen W. Ward for Executive Departments and Administration.



**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Employer Redefined. Amend RSA 100-A:1, IV to read as follows:

IV. "Employer" shall mean (a) the state or any department, commission, institution or agency of the state government by which an employee is paid through the office of the state treasurer with respect to their employees, (b) the state, the local school district or other employers of teachers eligible for membership in the system with respect to the teachers in their employ, (c) any police department or police force of the state, or of any county, city, town, village or precinct in the state with respect to the permanent policemen in their employ, and (d) any fire department of the state, or of any county, city, town, village or precinct in the state with respect to the permanent firemen in their employ; *provided, however, that in no instance shall any employer contribute or participate in the retirement system unless such employer qualifies as a governmental entity, political subdivision, agency or instrumentality eligible to maintain a governmental plan within the meaning of section 414(d) of the United States Internal Revenue Code of 1986, as amended.*

2 New Hampshire Retirement System Redefined. Amend RSA 100-A:2 to read as follows:

100-A:2 Name and Date of Establishment. The retirement system hereby created shall be established as of July 1, 1967. It [shall have the powers, privileges and immunities of a corporation, and] shall be known as the New Hampshire retirement system, and by such name all of its business shall be transacted, all of its funds invested, and all of its cash, securities and other property held in trust for the purpose for which received, *and is intended for all time to meet the requirements of a qualified pension trust within the meaning of section 401(a), and to qualify as a governmental plan within the meaning of section 414(d) of the United States Internal Revenue Code of 1986, as amended.*

3 Out-of-State Service to Include Federal Employment; Group I Members. Amend the introductory paragraph of RSA 100-A:4-b, I to read as follows:

I. Notwithstanding any provision of RSA 100-A to the contrary, any group I employee or teacher member of the New Hampshire retirement system, in service on or after June 30, 1990, who was formerly a member of a public employees' retirement system outside of New Hampshire, shall be allowed to purchase credit for such out-of-state service as creditable service in the New Hampshire retirement system [under]; *provided, however, that creditable service in the New Hampshire retirement system which is purchased under this paragraph shall not be deemed creditable service for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30. For such employee or teacher members, only creditable service performed in the state of New Hampshire as a member of the New Hampshire retirement system shall be counted as creditable service for the purpose*

*of eligibility for medical and surgical benefits as a retired employee under RSA 21-1:30. For the purposes of this section, "public employees' retirement system" shall include any retirement system established and maintained by the United States government, the members of which are federal government employees. For the purposes of this section, any military service not otherwise authorized pursuant to RSA 100-A:4, IV and V shall not be included as creditable service in a public employees' retirement system. The group I employee or teacher member shall meet the following conditions:*

4 Federal Employment as Out-of-State Service; Group II Members. Amend the introductory paragraph of RSA 100-A:4-c, I to read as follows:

I. Notwithstanding any provision of RSA 100-A to the contrary, any group II permanent policeman or permanent fireman member of the New Hampshire retirement system, in service on or after June 30, 1990, who was formerly a member of a public employees' retirement system outside of New Hampshire, shall be allowed to purchase credit for such out-of-state service as creditable service in the New Hampshire retirement system [under]; *provided, however, that creditable service in the New Hampshire retirement system which is purchased under this paragraph shall not be deemed creditable service for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-1:30. For such employee or teacher members, only creditable service performed in the state of New Hampshire as a member of the New Hampshire retirement system shall be counted as creditable service for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-1:30. For the purposes of this section, "public employees' retirement system" shall include any retirement system established and maintained by the United States government, the members of which are federal government employees. For the purposes of this section, any military service not otherwise authorized pursuant to RSA 100-A:4, IV and V shall not be included as creditable service in a public employees' retirement system. The group II permanent policeman or permanent fireman member shall meet the following conditions:*

5 Benefits Upon Group I Member's Death After Retirement. Amend RSA 100-A:11, I(d) to read as follows:

(d) Upon the death of a [retired] group I member [after his retirement allowance payments have commenced,] *who has retired, or upon the death of a group I member who has filed an application for retirement benefits with the board of trustees after January 1, 1991,* provided he has not elected an optional allowance that has become effective, any excess of the amount of his accumulated contributions at retirement over the sum of the retirement allowance payments received shall be paid in one sum to the person or persons nominated by the member, if living, otherwise to the member's estate. Upon the death of the survivor of a retired group I member and the beneficiary nominated by him under the terms of an option, if an option was elected and had become effective, any excess of the retired member's accumulated contributions at retirement over the sum of the retirement allowance payments received by the retired member and such beneficiary shall be paid to the person nominated by the member, if living, otherwise to the estate of the last to survive of the member and such beneficiary. Nomination of a person to receive the return of the member's contributions pursuant to this section shall be made by the member in writing filed with the board of trustees. A member may change his nomination by a similar writing. A designation, revocation or change of the person nominated under an optional election may be made only as provided in RSA 100-A:13.

6 Benefits Upon Group II Member's Death After Retirement. Amend RSA 100-A:12, II to read as follows:

II. Upon the death of a [retired] group II member who *has* retired on or after April 1, 1987, [after the member's retirement allowance payments have commenced,] *or upon the death of a group II member who has filed an application for retirement benefits with the board of trustees after January 1, 1991*, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600 if the member retired before July 1, 1988, and there shall be paid to the member's surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, or accidental disability retirement allowance payments. For any person who is a group II member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, the lump sum payment shall be \$3,600. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

7 Repeal. The following are repealed:

I. RSA 100-A:29, relative to participation in the retirement system for nongovernmental entities.

II. RSA 100-A:30, relative to membership requirements for nongovernmental entities.

III. RSA 100-A:31, relative to reports by nongovernmental entities.

8 Appropriation from Administrative Account. There is hereby appropriated the sum of \$50,000 from available amounts in the New Hampshire retirement system administrative account, as established under RSA 100-A:14, XIII for the purpose of implementing the provisions of sections 1, 2, and 7 of this act. The board of trustees is authorized in its sole discretion to expend such funds as it deems necessary to implement the provisions of sections 1, 2, and 7 of this act, including but not limited to the employment of temporary employees. Any unexpended funds from this appropriation shall lapse to the administrative account.

9 Effective Date. This act shall take effect June 30, 1991.

#### AMENDED ANALYSIS

This amendment requires that those employers permitted to participate under the New Hampshire retirement system shall be solely limited to the government of the state of New Hampshire or the governments of its political subdivisions, and any agencies or instrumentalities thereof, for the purpose of maintaining the retirement system's tax exempt status as a qualified governmental pension plan meeting the requirements of sections 401(a) and 414(d) of the United States Internal Revenue Code of 1986, as amended. What constitutes a "government", "political subdivision", "agency" and or "instrumentality" for purposes of system coverage is necessarily defined with respect to applicable federal rather than state law.

Regarding those nongovernmental employers currently contributing to the system, in order to preserve the retirement system's tax exempt status as a governmental plan, such nongovernmental employers and employees shall be required to cease contributions, and those nongovernmental employees presently covered under the system shall cease to accrue benefits under the system, no later than June 30, 1991.



All benefits accrued to the time of withdrawal from the system shall be fully vested in such withdrawing nongovernmental employees, and the system shall cooperate with withdrawing nongovernmental employers in their establishing successor retirement plans and shall cooperate in arranging for the transfer of such employee retirement benefits earned under the system to successor retirement plans where practicable.

This bill extends the right to purchase such out-of-state service to employees of the federal government, but excludes any military service credit which is not otherwise authorized by statute.

The bill also changes the provisions for providing retirement benefits upon the death of a group I or a group II member after the member's retirement.

Rep. Ward spoke in favor and yielded to questions.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 762-FN**, to incorporate the inhabitants of the northeasterly part of Laconia into a separate town to be known as Weirs Beach, with all the privileges and immunities of other towns in this state. RE-REFER TO COMMITTEE.

During almost four hours of testimony, speakers from Weirs Beach testified of long-standing grievances against the City of Laconia, and almost none of the complaints were refuted. Nevertheless, questions about the situation and concerning the proposal for secession remain unanswered or partially unanswered. Among these are: 1) Documentation of measures which have been taken aimed either at obtaining redress of grievances or obtaining adequate support and the nature of responses to those measures; 2) Whether or not Article 39, Part First of the New Hampshire Constitution poses a bar to legislative action to grant secession in this case, and the extent (To address this question the Committee recommends passage of a resolution asking for the opinions of the justices); 3) Inquiry into the basis for the separation line proposed by Weirs Beach and the possible effect that proposal would have on the future of the City of Laconia as well as on the Weirs Beach community; 4) Other possible measures aimed at reconciliation, and the parties concerned; 5) As a matter of general policy, under what circumstances should the Legislature consider favorably a request for secession by one fraction of a community?

To answer these and other questions, a considerable amount of time and study will be required. Accordingly, it is recommended that this bill be re-referred to Committee. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

Reps. Grodin and Rosen spoke in favor.

Re-referred to Committee.

The Committee on Municipal and County Government offered the following:

#### **HOUSE RESOLUTION NO. 19**

requesting an opinion of the justices concerning  
the constitutionality of HB 762-FN.

Whereas, there is pending in the House, HB 762-FN, "An Act to incorporate the inhabitants of the northeasterly part of Laconia into a separate town to be known as Weirs Beach, with all the privileges and immunities of other cities and towns in this state"; and

Whereas, "Revised Charter of City of Laconia, 1970," as recorded at the office of the Secretary of State [a copy of which Charter shall accompany this resolution],



contains in its Article I a description of the boundaries of the city of Laconia and descriptions of the boundaries of the various wards of the city of Laconia; and

Whereas, "Revised Charter of City of Laconia, 1970," as recorded at the office of the Secretary of State, provides for a city council-city manager form of government; and

Whereas, enactment of HB 762-FN would, by establishing a new town of Weirs Beach within the current boundaries of the city of Laconia, effect a change of the boundaries of the city of Laconia; and

Whereas, enactment of HB 762-FN would, by establishing a new town of Weirs Beach, cause those inhabitants of the new town of Weirs Beach who were formerly inhabitants of the city of Laconia to become inhabitants of a town as opposed to a city, but would not effect a change in the form of government of the remaining inhabitants of the city of Laconia; and

Whereas, HB 762-FN contains a provision requiring a referendum of the inhabitants of that portion of the city of Laconia which would become the new town of Weirs Beach, as a precondition to the bill's taking effect if enacted; and

Whereas, HB 762-FN contains certain provisions relating to the apportionment of debts, liabilities, obligations, real estate, equipment and personal property between the city of Laconia and the new town of Weirs Beach; and

Whereas, a question has arisen as to the constitutionality of the provisions of the bill; and

Whereas, it is important that the question of the constitutionality of said provisions should be settled in advance of its enactment; now, therefore, be it

Resolved by the house:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Would the change of the current boundaries of the city of Laconia, effected by enactment of HB 762-FN, constitute a change to "the charter or form of government" of the city of Laconia, as that phrase is contemplated by Part I, Article 39 of the New Hampshire Constitution, in view of the court's decision in *Sedgewick v. City of Dover*, 122 N.H. 193 (1982)?

2. Would enactment of HB 762-FN, by establishing a new town of Weirs Beach and causing those inhabitants of the new town of Weirs Beach who were formerly inhabitants of the city of Laconia to become inhabitants of a town as opposed to a city, change "the charter or form of government" of the city of Laconia, as that phrase is contemplated by Part I, Article 39 of the New Hampshire Constitution?

3. Would any other provisions of HB 762-FN, if enacted, constitute a change to "the charter or form of government" of the city of Laconia, as that phrase is contemplated by Part I, Article 39 of the New Hampshire Constitution?

4. If the answer to question 1, 2, or 3 is in the affirmative, does the provision contained in HB 762-FN, requiring a referendum of the inhabitants of that portion of the city of Laconia which would become the new town of Weirs Beach as a precondition to the bill's taking effect, satisfy the requirements of Part I, Article 39 of the New Hampshire Constitution?

5. Do any other aspects of HB 762-FN violate or conflict with any provisions of the New Hampshire Constitution?

That the clerk of the House of Representatives transmit copies of this resolution and HB 762-FN to the Justices of the New Hampshire Supreme Court.

Adopted.

**HB 720-FN**, relative to fireworks. **WITHOUT RECOMMENDATION.**

Rep. Benton moved that the words Ought to Pass be substituted for the report of the Committee, Without Recommendation, and spoke to his motion.

Rep. Thomas Christie spoke against and yielded to questions.

Rep. Benton yielded to questions.

Rep. Hoar spoke in favor and yielded to questions.

Rep. Chasse spoke in favor

Rep. Welch spoke against.

Rep. Pantelakos spoke in favor

Rep. William Boucher spoke against.

Rep. Reidy spoke in favor.

Roll call request sufficiently seconded.

The question being on the substitute motion.

### **YEAS 178**

### **NAYS 151**

#### **YEAS 178**

#### **BELKNAP**

Accornero, Harry  
Hawkins, Robert S.  
Turner, Robert H.

Bartlett, Gordon E.  
Holbrook, Robert G.  
Ziegra, Alice S.

Dewhirst, Glenn E.  
Shibley, Arnold P.

#### **CARROLL**

Foster, Robert W.

Saunders, Howard N.

#### **CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Kingsbury, H. Thayer  
Morse, Jo Ann T.  
Sawyer, Alfred P.

Clark, Eugene W.  
DePecol, Benjamin J.  
LaMar, David M.  
Pratt, Irene A.  
Spear, Susan S.

Cole, Kenneth A.  
Grodin, Richard A.  
Laurent, John J.  
Riley, William A.

#### **COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Nelson, Harold D.  
Therault, Romeo J.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Oliver, Terry D.

Coulombe, Henry W.  
Mayhew, Josephine  
Pratt, Leighton C.

#### **GRAFTON**

Adams, Carl S.  
Guest, Robert H.  
Nordgren, Sharon L.

Bean, Pamela B.  
LaMott, Paul I.  
Trelfa, Richard T.

Brown, Channing T.  
Nielsen, Niels F., Jr.  
Ward, Kathleen W.

#### **HILLSBOROUGH**

Ahrens, Frederick G.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Crotty, Edward J.  
Domaingue, Jacquelyn M.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Greenglass, Alan B.  
Healy, Daniel J.

Andrews, Frederick B.  
Bourque, Ann J.  
Chasse, Richard D.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Healy, Walter F.

Arnold, Barbara E.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Dyer, Merton S.  
Ford, Nancy M.  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Hultgren, David D.

Jasper, Shawn N.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Lefebvre, Roland J.  
Mason, Howard F.  
McNerney, Daniel P.  
Perham, Lester R.  
Record, Alice B.  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
White, John M.

Jean, Romeo W.  
Kelley, Robert N.  
Laroche, Roger B.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Moore, Elizabeth A.  
Peters, Stanley W.  
Reidy, Frank J.  
Smith, Leonard A.  
Tate, Joan C.  
Wright, George W.

Johnson, Lionel W.  
King, Frank P.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
McDowell, James E.  
O'Rourke, Joanne A.  
Pignatelli, Debora B.  
Sallada, Roland A.  
Soucy, Donna M.  
Vanderlosk, Stanley R.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Gilbreth, Robert M.  
Jelley, Francis D.  
Soldati, Jennifer G.  
Trombly, Rick A.

Asplund, Bronwyn L.  
Chandler, Earle W.  
Hall, Douglas E.  
Johnson, C. William  
Stio, Peter M.  
Yeaton, Charles B.

Braiterman, Thea  
Daneault, Gabriel J.  
Hill, Michael J.  
Lewis, Mary Ann  
Teague, Bert

### ROCKINGHAM

Barnes, John S., Jr.  
Caswell, Albert, Jr.  
Coffey, John J.  
Dube, LeRoy S.  
Flanders, Harry E.  
Griebsch, Linda  
Hynes, Carolyn E.  
Katsakiores, George N.  
MacKinnon, Nancy W.  
McCarthy, John J., Jr.  
Raynowska, Bernard J.  
Seward, Russell G.  
Splaine, John E., Sr.  
Tufts, Arthur  
Weyler, Kenneth L.

Benton, Richardson D.  
Christie, Andrew, Jr.  
Connell, David R.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
Magoon, Harold F.  
McKinney, Betsy  
Rubin, George R.  
Skinner, Patricia M.  
Syracusa, Anthony  
Vaughn, Charles L.

Campbell, Marilyn R.  
Clark, Martha Fuller  
DiPietro, Carmela M.  
Flanders, David A.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Kane, Cecelia D.  
Klemm, Arthur P., Jr.  
Malcolm, Kenneth W.  
Pantelakos, Laura C.  
Senter, Marilyn P.  
Smith, Arthur W.  
Thayer, Leroy C.  
Warburton, Calvin

### STRAFFORD

Frechette, Roland A.  
McCann, William H., Jr.  
O'Brien, John  
Sullivan, Henry P.

Gilmore, Gary R.  
Merrill, Amanda A.  
Parks, Joe B.  
Torr, Ann M.

Hashem, Elaine M.  
Nehring, William H.  
Spencer, Leo J.  
Wheeler, Katherine W.

### SULLIVAN

Burling, Peter Hoe  
Walsh, Robert R.

Flint, Gordon B.

Tetu, Michael A.

### NAYS 151 BELKNAP

Cain, Thomas G.  
Joscelyn, William W.  
Rosen, Ralph J.

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Salatiello, Thomas B.

Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Jean, Robert R.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Wiggin, Allen R.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Gordon E.

**CHESHIRE**

Champagne, Richard L.  
Hunt, John B.  
Perry, David M.

Feuer, Joseph N.  
Metzger, Katherine H.

Hogan, James B.  
Pearson, Gertrude B.

**COOS**

Kilbride, Dennis J.

Merrill, Gerald P.

**GRAFTON**

Arnesen, Deborah L.  
Dow, David  
Larson, Nils H., Jr.  
Stewart, Roger D.  
Whitcomb, Henry F., Jr.

Brown, Patricia B.  
Driscoll, William J.  
Lougee, Richard W.  
Teschner, Douglass P.  
White, Paul R.

Christy, C. Dana  
Hill, Richard L.  
Scanlan, David M.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Alukonis, David J.  
Buckley, Raymond  
Cote, David E.  
Dodge, Emma M.  
Durham, Susan B.  
Gagnon, Gabrielle V.  
Hall, Betty B.  
Kelley, Dana F.  
Lawrence, Eva M.  
McRae, Karen K.  
Murphy, Robert E.  
Packard, Bonnie B.  
Rheault, Lillian I.  
Turgeon, Roland M.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Donovan, Francis X.  
Elliott, Larry G.  
Goulet, Maurice E.  
Hanselman, Gregory L.  
Kurk, Neal M.  
Lawrence, Norman B.  
Mercer, Robert S.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Riley, Frances L.  
Upton, Barbara A.

Baldizar, Barbara J.  
Cook, Valerie S.  
Desrosiers, William J.  
Drolet, Paul L.  
Ferguson, Charles  
Green, Scott E.  
Holden, Carol H.  
Lachut, Ervin R.  
Leclerc, Charles J.  
Messier, Irene M.  
Ouellette, Robert O.  
Pepino, Leo P.  
Rothhaus, Finlay C.  
Wheeler, David K.

**MERRIMACK**

Barberia, Richard A.  
Dunn, Miriam D.  
Hayes, Robert C.  
Letourneau, George E.  
Nichols, Avis B.  
Whittemore, James A.

Chandler, John P.  
Fair, Patricia A.  
Jacobson, Alf E.  
Lockwood, Robert A.  
Smith, Gerald R.

Christie, Thomas J.  
Fillion, Paul R.  
Kidder, William F.  
Molner, Mary E.  
Stapleton, Henry F.

**ROCKINGHAM**

Bell, Juanita L.  
Conroy, Janet M.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Haynes, Richard  
McCain, William F.

Boucher, William P.  
Cooke, Annette M.  
Dowling, Patricia A.  
Ford, Bert H.  
Keith, Brenda E.  
Melnick, Roy E.

Brown, Jeffrey M.  
Cote, Patricia L.  
Drake, Herbert R.  
Greene, Elizabeth A.  
Lovejoy, Virginia K.  
Packard, Sherman A.



Palazzo, Frank J.  
Schanda, Joseph, Sr.  
Sytek, John J.  
Woods, Deborah L.

Rosencrantz, James R.  
Simon, Peter M.  
Terninko, Margaret B.

Roulston, Donald L.  
Sytek, Donna P.  
Welch, David A.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Keans, Sandra B.  
Marston, Robert E.  
Vincent, Francis C.

Bickford, Drucilla  
Flynn, Edward J.  
Kincaid, William K.  
Pelley, Janet R.

Corte, Arthur B.  
Jankowski, Peter M.  
Kinney, Paula J.  
Tsiros, William

### SULLIVAN

Allison, David C.  
Krueger, Richard H.  
Peyron, Fredrik  
Stamatakis, Carol M.

Behrens, Thomas A.  
Lindblade, Eric N.  
Rodeschin, Beverly T.

Domini, Irene C.  
Middleton, John A.  
Schotanus, Merle W.

and the bill was ordered to third reading.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

### HB 35-A, making appropriations for capital improvements. OUGHT TO PASS WITH AMENDMENT.

The Committee has made a few changes from the original version. It has tried to walk a fine line in this Capital Budget by funding some projects which will provide jobs, some projects which were determined to be critical and removing some items which were deemed inappropriate for a Capital Budget. Highlights of the bill include the following: Rockingham County Courthouse, Nashua and Concord District Court furnishings, Land Conservation Program, new home at Glencliff, addition to the John O. Morton Building (Department of Transportation), \$15 million for a biological sciences building at the University of New Hampshire, contingent upon the University System raising \$15 million. Port Authority expansion program. Major items deleted included demolition of the Walker Building, purchasing of the women's prison in Hillsborough County, the I-95 liquor store, design of a Fire Service Training Center, Police Standards range and dorm facility. Also removed was \$15 million from the Department of Environmental Services for interest and principal payments on existing bonded debt; obligations which traditionally have and should continue to be in the Operating Budget. Vote 11-0. Rep. Gene G. Chandler for Public Works.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies and branches named:

#### I. Adjutant General

|                                       |            |
|---------------------------------------|------------|
| A. Replace 2 roofs *                  | \$ 130,000 |
| Total state appropriation paragraph I | \$ 130,000 |

#### II. Administrative Services

|  |            |
|--|------------|
| A. Repair State House dome   | \$ 250,000 |
| B. Hillsborough county superior court and<br>Concord district court furnishings* | 1,250,000  |

|  |                     |
|--|---------------------|
| C. Land acquisition, design, construction, and furnishings of Rockingham county superior court | 11,165,000          |
| D. State House elevator repairs  | <u>200,000</u>      |
| Total state appropriation paragraph II   | \$12,865,000        |
| III. Environmental Services  |                     |
| A. Match state water pollution revolving loan fund   | \$ 5,131,074        |
| B. Winnepesaukee river basin project (sewage system improvements)                              | <u>292,000</u>      |
| Total state appropriation paragraph III  | \$ 5,423,074        |
| IV. Executive - State Planning   |                     |
| A. Land conservation program   | <u>\$ 7,000,000</u> |
| Total state appropriation paragraph IV   | \$ 7,000,000        |
| V. Health and Human Services   |                     |
| A. New Hampshire hospital  |                     |
| 1. Philbrook health and safety   | <u>225,000</u>      |
| Total subparagraph A   | \$ 225,000          |
| B. Glencliff home for the elderly  |                     |
| 1. Replace fire hydrant *  | \$ 40,000           |
| 2. Replace sewer lines *   | 30,000              |
| 3. Slip proof tunnels *  | 32,000              |
| 4. Design, construction, and furnishings of 75-bed nursing home facility                       | <u>\$ 5,350,000</u> |
| Total subparagraph B   | \$ 5,452,000        |
| C. Division for Children and Youth Services  |                     |
| 1. Rewire administration building - YDC *  | \$ 160,000          |
| 2. Repair roof on administration building - YDC *  | 45,000              |
| 3. Hook up sewer in administration building - YDC *  | 50,000              |
| 4. Asbestos removal or containment - YDC *   | 50,000              |
| 5. Locks and cylinders - YDC *   | 55,000              |
| 6. Air handling - Tobey building, N.H. hospital  | <u>100,000</u>      |
| Total subparagraph C   | \$ 460,000          |
| D. Division of public health services  |                     |
| 1. Laboratory modernization  | \$ 250,000          |
| 2. Radiological laboratory update  | <u>130,000</u>      |
| Total subparagraph D   | \$ 380,000          |
| E. Office of alcohol and drug abuse prevention   |                     |
| 1. Tirrell House *   | <u>\$ 57,000</u>    |
| Total subparagraph E   | \$ 57,000           |
| Total state appropriation paragraph V  | \$ 6,574,000        |
| VI. Liquor Commission  |                     |
| A. Roof replacement *  | <u>\$ 162,000</u>   |
| Total state appropriation paragraph VI   | \$ 162,000          |
| VII. Postsecondary Technical Education   |                     |
| A. NHTC - Manchester   |                     |
| 1. Phase II rehabilitation of Knox Building  | \$ 1,830,000        |
| 2. Electric laboratory station   | <u>325,000</u>      |
| Total subparagraph A   | \$ 2,155,000        |

|   |              |
|---|--------------|
| B. NHTC - Berlin  |              |
| 1. Roof replacement *   | \$ 45,000    |
| 2. Office simulation lab *  | 90,000       |
| 3. Cad cam lab *  | 161,376      |
| Total subparagraph B  | \$ 296,376   |
| C. NHTC - Nashua  |              |
| 1. 25 station IBM personal computer lab *   | \$ 87,200    |
| Total subparagraph C  | \$ 87,200    |
| D. NHTC - Claremont   |              |
| 1. Technical lab *  | \$ 241,000   |
| Total subparagraph D  | \$ 241,000   |
| E. NHTC - Laconia   |              |
| 1. Computer lab*  | \$ 156,334   |
| 2. Automobile technical lab   | \$ 100,000   |
| Total subparagraph E  | \$ 256,334   |
| F. NHTI - Concord   |              |
| 1. Parking lot  | \$ 1,100,000 |
| Less police standards share   | -200,000     |
| Less planetarium share  | -100,000     |
| Net appropriation subparagraph F  | \$ 800,000   |
| Total state appropriation paragraph VII   | \$ 3,835,910 |
| VIII. Resources and Economic Development  |              |
| A. Division of parks  |              |
| 1. Repairs and renovations system-wide for<br>major deferred projects   | \$ 1,000,000 |
| Total subparagraph A  | \$ 1,000,000 |
| (The funds appropriated in subparagraph VIII, A, 1 shall not be spent, obligated,<br>or encumbered until such time as the department of resources and economic develop-<br>ment has developed an action plan and received the approval of such plan from the<br>capital budget overview committee.) |              |
| B. Ski operations   |              |
| 1. Cannon - snowmaking  | \$ 600,000   |
| 2. Cannon - replace snowmaking pipe   | 150,000      |
| 3. Sunapee - air compressor   | 250,000      |
| 4. Sunapee - move and expand rental shop  | 93,000       |
| 5. Sunapee - intake valve   | 250,000      |
| Total subparagraph B  | \$ 1,343,000 |
| Total state appropriation paragraph VIII  | \$ 2,343,000 |
| IX. Department of Safety  |              |
| A. Glendale deck repair   | \$ 350,000   |
| Total state appropriation paragraph IX  | \$ 350,000   |
| X. Department of Transportation   |              |
| A. Division of aeronautics  |              |
| 1. Skyhaven - runway/taxi   | \$ 164,000   |
| 2. Skyhaven - renovate administration building  | 85,000       |

|  |            |
|--|------------|
| 3. State required 5 percent - 10 percent match for<br>FAA - approved airport priority projects | \$ 500,000 |
|--|------------|

|                      |            |
|----------------------|------------|
| Total subparagraph A | \$ 749,000 |
|----------------------|------------|

(The funds appropriated in subparagraph X, A, 3 shall be for airport projects approved by the Federal Aeronautics Administration, which include the following projects: construction of aircraft parking apron, Concord; construction of perimeter road and installation of security fence; expansion and improvement of aircraft parking apron, Concord; land acquisition, Manchester; land acquisition, Nashua; master plan update, Berlin; master plan update, Rochester; purchase crash, fire, and rescue equipment; purchase snow removal equipment, Lebanon; ramp and apron for new terminal, Manchester; reconstruct runway 7-25, Lebanon; and taxiway, apron, and lighting, Nashua.)

B. Division of public works

|  |              |
|--|--------------|
| 1. Underground tank removal<br>and replacement statewide | \$ 2,100,000 |
| Less fish and game fund                                  | -33,000      |
| Less highway fund  | -956,000     |

|                                  |              |
|----------------------------------|--------------|
| Net appropriation subparagraph B | \$ 1,111,000 |
|----------------------------------|--------------|

|                                       |              |
|---------------------------------------|--------------|
| Total state appropriation paragraph X | \$ 1,860,000 |
|---------------------------------------|--------------|

|                                     |              |
|-------------------------------------|--------------|
| Total state appropriation section 1 | \$40,542,984 |
|-------------------------------------|--------------|

\*To be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

|  |              |
|--|--------------|
| A. Repairs and renovations system-wide | \$ 5,000,000 |
|--|--------------|

(The funds appropriated in subparagraph A shall not be spent, obligated, or encumbered until such time as the university system of New Hampshire has developed an action plan and received the approval of such plan from the capital budget overview committee.)

|                                       |             |
|---------------------------------------|-------------|
| B. Biological science center - Durham | 30,000,000  |
| Less Other (Donations, grants, etc.)  | -15,000,000 |

|                                  |            |
|----------------------------------|------------|
| Net appropriation subparagraph B | 15,000,000 |
|----------------------------------|------------|

(No funds appropriated by subparagraph B shall be expended or encumbered in any way until the university system of New Hampshire certifies to the capital budget overview committee that it has raised and can account for \$15,000,000 or more in gifts, grants, donations, or pledges from sources other than the state, to be used for the construction of a biological science center on the Durham campus of the university system of New Hampshire. The funds appropriated in subparagraph B shall constitute the total state share of completed construction costs of the biological science center. The university system of New Hampshire may use any gifts, grants, donations, or pledges in excess of its \$15,000,000 share of the construction toward the costs of construction.)

|  |         |
|--|---------|
| C. Public television equipment replacement | 500,000 |
|--|---------|

|                                     |              |
|-------------------------------------|--------------|
| Total state appropriation section 2 | \$20,500,000 |
|-------------------------------------|--------------|

3 Appropriation; Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Central office

|                            |            |
|----------------------------|------------|
| 1. Computer power upgrade* | \$ 350,000 |
|----------------------------|------------|



|   |              |
|---|--------------|
| 2. John O. Morton building addition   | 6,250,000    |
| Total state appropriation section 3   | \$ 6,600,000 |
| 4 Appropriation; Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:   |              |
| A. Water line replacement   | \$ 100,000   |
| Less federal  | -75,000      |
| Net appropriation subparagraph A  | \$ 25,000    |
| B. Replace pools/raceway hatchery   | 500,000      |
| Less federal  | \$ -375,000  |
| Net appropriation subparagraph B  | \$ 125,000   |
| C. New Hampton and Berlin hatcheries facility renovations   | 85,000       |
| Less federal  | -63,750      |
| Net appropriation subparagraph C  | \$ 21,250    |
| D. Pool/raceway enclosures  | 150,000      |
| Less federal  | -112,500     |
| Net appropriation subparagraph D  | \$ 37,500    |
| E. Water system - Berlin  | 100,000      |
| Less federal  | -75,000      |
| Net appropriation subparagraph E  | \$ 25,000    |
| Total state appropriation section 4   | \$ 233,750   |
| 5 Appropriation; Port Authority - Self Liquidating From Revenue. The sums hereinafter detailed are hereby appropriated for the projects specified:  |              |
| A. Port of Portsmouth expansion   | \$16,500,000 |
| Total state appropriation section 5   | \$16,500,000 |
| (The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way without the prior approval of an action plan by both the fiscal committee and the governor and council. The action plan shall include the identification of sufficient revenue sources to amortize both the annual principal and interest payments.)  |              |
| 6 Increase Bond Authorization; Dam Maintenance Fund. Amend RSA 482:56 to read as follows:   |              |
| 482:56 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 482:55, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$4,200,000] <b>\$5,700,000</b> and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.   |              |
| Total state appropriation section 6   | \$1,500,000  |
| 7 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, 4, 5, and 6 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228. |              |
| 8 Expenditures; University System of New Hampshire.   |              |
| I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system   |              |

of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4, 5, and 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$85,876,734 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. In order to provide funds to pay the cost of issuing the bonds authorized by this section, the state treasurer may issue bonds up to 102 percent of the authorized amounts. The proceeds from the additional bonds may be used only for the purpose of paying such issuance costs.

#### 10 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds issued for projects in:

- (a) section 3 shall be made from the highway fund.
- (b) section 4 shall be made from the fish and game fund.
- (c) section 5 shall be made from the port authority revenues.
- (d) section 6 shall be made from the dam maintenance fund.

11 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds and notes issued for the purpose of section 2.

12 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4, 5, and 6 except the land conservation program in section 1, IV, A and such land, if any, as may be acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of transportation with the approval of governor and council.

13 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier-free code requirements and energy conservation code requirements.

14 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, 4, 5, and 6 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 9 shall be reduced by the same amount.

15 Transfers. The individual project appropriations provided in sections 1, 3, 4, 5, and 6 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget oversight committee is obtained.

16 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, 4, 5, and 6 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 9 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

17 Lapse Dates Extended.

I. The appropriation made to the department of corrections in 1988, 224:1, I, A for phase V prison construction, as amended by 1989, 367:27, 1, is hereby extended to June 30, 1993. Authorization is hereby granted to expend the remaining funds of approximately \$2,000,000 to renovate Laconia developmental services buildings for use as a drug and alcohol treatment center and boot camp for approximately 300 minimum and medium security prison inmates and to renovate a facility for use by men and women as a halfway house.

II. The following appropriations are hereby extended to June 30, 1992:

(a) The appropriation made to the supreme court in 1989, 367:1, XI, A, for construction of Concord district court.

(b) The appropriation made to the department of revenue administration in 1989, 367:1, X, A, for computer hardware and software development.

(c) The appropriation made to the department of resources and economic development in 1987, 3:1, as amended by 1989, 137:1, for Hampton beach seawall improvements.

(d) The appropriation made to Laconia developmental services in 1989, 367:1, V, B, 2 for replacement of steam lines.

(e) The appropriation made to the department of administrative services in 1989, 367:1, II, A - C, relative to Londergan hall renovations, repair of state house dome, and Spaulding hall renovations.

(f) The appropriation made to the department of resources and economic development in 1988, 224:1, IV, D, for Hampton harbor dredging.

(g) The appropriation made to the department of environmental services in 1989, 367:1, IV, A, 1, for small watershed programs.

18 Effective Date. This act shall take effect July 1, 1991.

Rep. Gene Chandler spoke in favor and yielded to questions.

Rep. Thomas Christie asked that the question be divided.

The Chair ruled that the question was divisible.

The question is on Section 1. IV. (Land conservation program \$7,000,000)

Rep. Thomas Christie spoke against.

Rep. Chandler spoke in favor.

Roll call request sufficiently seconded.

#### YEAS 178

#### NAYS 145

#### YEAS 178

#### BELKNAP

Cain, Thomas G.

Hawkins, Robert S.

Maviglio, Steven R.

Campbell, Richard H., Jr.

Holbrook, Robert G.

Shibley, Arnold P.

Dewhirst, Glenn E.

Johnson, Carl R.

Ziegra, Alice S.

#### CARROLL

Allard, Nanci A.

Chandler, Gene G.

Saunders, Howard N.

Beach, Mildred A.

Dickinson, Howard C.

Wiggin, Gordon E.

Bradley, Jeb E.

Foster, Robert W.

#### CHESHIRE

Burnham, Daniel M.

Hunt, John B.

Metzger, Katherine H.

Sawyer, Alfred P.

Champagne, Richard L.

LaMar, David M.

Pearson, Gertrude B.

Hogan, James B.

Laurent, John J.

Riley, William A.

#### COOS

Brungot, Catherine V.

Horton, Lynn C.

Oliver, Terry D.

Buckley, C. Fitzgerald

Kilbride, Dennis J.

Pratt, Leighton C.

Guay, Lawrence J.

Mayhew, Josephine



**GRAFTON**

|                        |                      |                       |
|------------------------|----------------------|-----------------------|
| Arnesen, Deborah L.    | Brown, Patricia B.   | Christy, C. Dana      |
| Copenhaver, Marion L.  | Driscoll, William J. | Larson, Nils H., Jr.  |
| Nielsen, Niels F., Jr. | Scanlan, David M.    | Teschner, Douglass P. |
| Wadsworth, Karen O.    | Ward, Kathleen W.    |                       |

**HILLSBOROUGH**

|                           |                       |                        |
|---------------------------|-----------------------|------------------------|
| Ahrens, Frederick G.      | Alukonis, David J.    | Amidon, Eleanor H.     |
| Andrews, Frederick B.     | Arnold, Barbara E.    | Bowers, Dorothy C.     |
| Cowenhoven, Garret P.     | Daigle, Robert A.     | Desrosiers, William J. |
| Drabinowicz, A. Theresa   | Durham, Susan B.      | Dyer, Merton S.        |
| Emerton, Lawrence A.      | Ford, Nancy M.        | Gage, Ruth E.          |
| Gagnon, Eugene L.         | Gagnon, Gabrielle V.  | Goulet, Maurice E.     |
| Hactenschwiller, Alphonse | Hanselman, Gregory L. | Healy, Daniel J.       |
| Holden, Carol H.          | Kelley, Dana F.       | Kurk, Neal M.          |
| L'Heureux, Robert J.      | Lawrence, Eva M.      | Leclerc, Charles J.    |
| Lefebvre, Roland J.       | Lown, Elizabeth D.    | Martin, Mary Ellen     |
| Mason, Howard F.          | McCann, Bonnie Lou    | McNerney, Daniel P.    |
| McRae, Karen K.           | Messier, Irene M.     | Moore, Elizabeth A.    |
| Packard, Bonnie B.        | Perham, Lester R.     | Peters, Stanley W.     |
| Record, Alice B.          | Rheault, Lillian I.   | Robinson, Ellen-Ann    |
| Sallada, Roland A.        | Smith, Leonard A.     | Vanderlosk, Stanley R. |
| Wheeler, David K.         |                       |                        |

**MERRIMACK**

|                      |                     |                      |
|----------------------|---------------------|----------------------|
| Barberia, Richard A. | Boucher, Laurent J. | Braiterman, Thea     |
| Carter, Susan D.     | Chandler, Earle W.  | Chandler, John P.    |
| Daneault, Gabriel J. | Fair, Patricia A.   | Fillion, Paul R.     |
| Hayes, Robert C.     | Hill, Michael J.    | Jacobson, Alf E.     |
| Jelley, Francis D.   | Johnson, C. William | Kidder, William F.   |
| Lewis, Mary Ann      | Lockwood, Robert A. | Nichols, Avis B.     |
| Soldati, Jennifer G. | Stapleton, Henry F. | Stio, Peter M.       |
| Teague, Bert         | Trombly, Rick A.    | Whittemore, James A. |
| Yeaton, Charles B.   |                     |                      |

**ROCKINGHAM**

|                      |                         |                       |
|----------------------|-------------------------|-----------------------|
| Bell, Juanita L.     | Benton, Richardson D.   | Boucher, William P.   |
| Campbell, Marilyn R. | Caswell, Albert, Jr.    | Christie, Andrew, Jr. |
| Clark, Martha Fuller | Connell, David R.       | Conroy, Janet M.      |
| Cote, Patricia L.    | Dowd, Sandra K.         | Drake, Herbert R.     |
| Flanagan, Natalie S. | Flanders, John W., Sr.  | Ford, Bert H.         |
| Gage, Beverly A.     | Greene, Elizabeth A.    | Haynes, Richard       |
| Hoar, John, Jr.      | Hoelzel, Kathleen M.    | Johnson, Robert A.    |
| Keith, Brenda E.     | Klemarczyk, Thaddeus E. | Lovejoy, Virginia K.  |
| Melnick, Roy E.      | Pantelakos, Laura C.    | Raynowska, Bernard J. |
| Schanda, Joseph, Sr. | Seward, Russell G.      | Simon, Peter M.       |
| Skinner, Patricia M. | Syracusa, Anthony       | Terninko, Margaret B. |
| Tufts, Arthur        | Vaughn, Charles L.      | Weyler, Kenneth L.    |

**STRAFFORD**

Corte, Arthur B.  
 Frechette, Roland A.  
 Kincaid, William K.  
 Merrill, Amanda A.  
 Pelley, Janet R.  
 Vincent, Francis C.

Douglass, Clyde J.  
 Gilmore, Gary R.  
 Kinney, Paula J.  
 Nehring, William H.  
 Sullivan, Henry P.  
 Wheeler, Katherine W.

Flynn, Edward J.  
 Keans, Sandra B.  
 Marston, Robert E.  
 O'Brien, John  
 Torr, Ann M.

**SULLIVAN**

Allison, David C.  
 Rodeschin, Beverly T.  
 Tetu, Michael A.

Behrens, Thomas A.  
 Schotanus, Merle W.  
 Walsh, Robert R.

Peyron, Fredrik  
 Stamatakis, Carol M.

**NAYS 145****BELKNAP**

Accornero, Harry  
 Rice, Thomas E. P., Jr.  
 Turner, Robert H.

Bartlett, Gordon E.  
 Rosen, Ralph J.  
 Vogler, Charles C.

Joscelyn, William W.  
 Salatiello, Thomas B.

**CARROLL**

Daly, Robert J., Jr.

Jean, Robert R.

**CHESHIRE**

Clark, Eugene W.  
 DePecol, Benjamin J.  
 Grodin, Richard A.  
 Perry, David M.

Cole, Kenneth A.  
 Feuer, Joseph N.  
 Kingsbury, H. Thayer  
 Pratt, Irene A.

Crutchley, Donald O.  
 Foster, Katherine D.  
 Morse, Jo Ann T.

**COOS**

Coulombe, Henry W.  
 Theriault, Romeo J.

Merrill, Gerald P.

Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
 Dow, David  
 Nordgren, Sharon L.  
 Whitcomb, Henry F., Jr.

Bean, Pamela B.  
 LaMott, Paul I.  
 Stewart, Roger D.  
 White, Paul R.

Brown, Channing T.  
 Lougee, Richard W.  
 Trelfa, Richard T.

**HILLSBOROUGH**

Baldizar, Barbara J.  
 Buckley, Raymond  
 Chasse, Richard D.  
 Crotty, Edward J.  
 Dodge, Emma M.  
 Drolet, Paul L.  
 Ferlan, Arthur P.  
 Greenglass, Alan B.  
 Healy, Walter F.  
 Jean, Romeo W.  
 Kelley, Robert N.  
 Laroche, Roger B.  
 Lozeau, Donna Lee M.  
 Murphy, Robert E.

Baroody, Benjamin C.  
 Burke, Stephen J.  
 Cook, Valerie S.  
 Daniels, Gary L.  
 Domaingue, Jacquelyn M.  
 Elliott, Larry G.  
 Gosselin, Gerald O.  
 Gureckis, Adam C., Sr.  
 Hultgren, David D.  
 Johnson, Lionel W.  
 King, Frank P.  
 Laughlin, J. Francis  
 McDowell, James E.  
 Nardi, Theodora P.

Bourque, Ann J.  
 Calawa, Leon, Jr.  
 Cote, David E.  
 Desrochers, Gerard T.  
 Donovan, Francis X.  
 Ferguson, Charles  
 Green, Scott E.  
 Hall, Betty B.  
 Jasper, Shawn N.  
 Keane, Cornelius J.  
 Lachut, Ervin R.  
 Lawrence, Norman B.  
 Mercer, Robert S.  
 O'Rourke, Joanne A.

Ouellette, Robert O.  
 Riley, Frances L.  
 Soucy, Donna M.  
 Turgeon, Roland M.  
 White, John M.

Paquette, Rodolphe G.  
 Rothhaus, Finlay C.  
 Stiles, Walter A.  
 Upton, Barbara A.  
 Wright, George W.

Pepino, Leo P.  
 Searles, Stanley N., Sr.  
 Tate, Joan C.  
 Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
 Dunn, Miriam D.  
 Smith, Gerald R.

Asplund, Bronwyn L.  
 Hall, Douglas E.

Christie, Thomas J.  
 Letourneau, George E.

### ROCKINGHAM

Barnes, John S., Jr.  
 Cooke, Annette M.  
 Dube, LeRoy S.  
 Griebisch, Linda  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 Packard, Sherman A.  
 Roulston, Donald L.  
 Smith, Arthur W.  
 Sytek, John J.  
 Welch, David A.

Brown, Jeffrey M.  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Hynes, Carolyn E.  
 MacKinnon, Nancy W.  
 McCarthy, John J., Jr.  
 Palazzo, Frank J.  
 Rubin, George R.  
 Splaine, John E., Sr.  
 Thayer, Leroy C.  
 Woods, Deborah L.

Coffey, John J.  
 Dowling, Patricia A.  
 Flanders, Harry E.  
 Kane, Cecelia D.  
 Magoon, Harold F.  
 McKinney, Betsy  
 Rosencrantz, James R.  
 Senter, Marilyn P.  
 Sytek, Donna P.  
 Warburton, Calvin

### STRAFFORD

Appleby, James E.  
 Jankowski, Peter M.  
 Parks, Joe B.

Bickford, Drucilla  
 McCann, William H., Jr.  
 Spencer, Leo J.

Hashem, Elaine M.  
 Pageotte, Donald P.  
 Tsiros, William

### SULLIVAN

Burling, Peter Hoe  
 Lindblade, Eric N.

Domini, Irene C.  
 Middleton, John A.

Flint, Gordon B.

and Section I, IV was adopted.

Reps. Molner and Hambrick notified the Clerk that they wished to be recorded in favor.

Rep. Gene Chandler yielded to further questions.

Rep. Wright asked that Section I, V, B.4 (Glencliff facility \$5,350,000) be made a separate question.

Rep. Stio spoke in favor.

Rep. Wright spoke against.

Rep. Chandler spoke in favor.

Rep. LaMott spoke in favor and yielded to questions.

Section V, B.4 was adopted.

Rep. Wright asked that Section 2, B., (UNH Biological science center \$30,000,000) be made a separate question and spoke against.

Rep. Gene Chandler spoke in favor and yielded to questions.

Rep. Domaingue spoke against.

Rep. Robinson spoke in favor.

**(Deputy Speaker Michael Hill in the Chair)**

Rep. Gene Chandler yielded to further questions.

Roll call request sufficiently seconded.

The question being on Sec. 2.B.

**YEAS 231****NAYS 94****YEAS 231****BELKNAP**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Salatiello, Thomas B.

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Shibley, Arnold P.

Hawkins, Robert S.  
Rosen, Ralph J.  
Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.

Beach, Mildred A.  
Dickinson, Howard C.

Bradley, Jeb E.

**CHESHIRE**

Burnham, Daniel M.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.  
Riley, William A.

Champagne, Richard L.  
Feuer, Joseph N.  
Hogan, James B.  
LaMar, David M.  
Perry, David M.  
Sawyer, Alfred P.

Clark, Eugene W.  
Foster, Katherine D.  
Hunt, John B.  
Laurent, John J.  
Pratt, Irene A.  
Spear, Susan S.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Nelson, Harold D.

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Oliver, Terry D.

Guay, Lawrence J.  
Merrill, Gerald P.  
Theriault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Ward, Kathleen W.

Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
White, Paul R.

Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
McIlwaine, Deborah P.  
Scanlan, David M.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Bourque, Ann J.  
Cote, David E.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Ferguson, Charles  
Gagnon, Eugene L.  
Green, Scott E.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Keane, Cornelius J.  
Laughlin, J. Francis

Alukonis, David J.  
Baldizar, Barbara J.  
Burke, Stephen J.  
Crotty, Edward J.  
Drolet, Paul L.  
Dyer, Merton S.  
Ford, Nancy M.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Hall, Betty B.  
Holden, Carol H.  
Kelley, Dana F.  
Lawrence, Eva M.

Amidon, Eleanor H.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Desrosiers, William J.  
Durham, Susan B.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Jean, Romeo W.  
Kelley, Robert N.  
Leclerc, Charles J.



Lown, Elizabeth D.  
McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Peters, Stanley W.  
Reidy, Frank J.  
Sallada, Roland A.  
Soucy, Donna M.  
Wheeler, Robert L.

Martin, Mary Ellen  
McDowell, James E.  
Mercer, Robert S.  
Murphy, Robert E.  
Packard, Bonnie B.  
Pignatelli, Debora B.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Tate, Joan C.  
White, John M.

Mason, Howard F.  
McNerney, Daniel P.  
Messier, Irene M.  
Nardi, Theodora P.  
Perham, Lester R.  
Record, Alice B.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Upton, Barbara A.

### MERRIMACK

Asplund, Bronwyn L.  
Carter, Susan D.  
Dunn, Miriam D.  
Gilbreth, Robert M.  
Jacobson, Alf E.  
Kidder, William F.  
Lockwood, Robert A.  
Soldati, Jennifer G.  
Trombly, Rick A.

Boucher, Laurent J.  
Chandler, Earle W.  
Fair, Patricia A.  
Hall, Douglas E.  
Jelley, Francis D.  
Letourneau, George E.  
Molner, Mary E.  
Stio, Peter M.  
Whittemore, James A.

Braiterman, Thea  
Chandler, John P.  
Fillion, Paul R.  
Hayes, Robert C.  
Johnson, C. William  
Lewis, Mary Ann  
Nichols, Avis B.  
Teague, Bert  
Yeaton, Charles B.

### ROCKINGHAM

Barnes, John S., Jr.  
Boucher, William P.  
Clark, Martha Fuller  
Drake, Herbert R.  
Flanders, John W., Sr.  
Gribsch, Linda  
Johnson, Robert A.  
Lovejoy, Virginia K.  
Melnick, Roy E.  
Rosencrantz, James R.  
Simon, Peter M.  
Syracusa, Anthony  
Vaughn, Charles L.

Bell, Juanita L.  
Campbell, Marilyn R.  
Conroy, Janet M.  
Flanagan, Natalie S.  
Gage, Beverly A.  
Hoar, John, Jr.  
Kane, Cecelia D.  
Magoon, Harold F.  
Pantelakos, Laura C.  
Schanda, Joseph, Sr.  
Skinner, Patricia M.  
Terninko, Margaret B.  
Warburton, Calvin

Benton, Richardson D.  
Caswell, Albert, Jr.  
Cote, Patricia L.  
Flanders, Harry E.  
Greene, Elizabeth A.  
Hoelzel, Kathleen M.  
Klemm, Arthur P., Jr.  
McCarthy, John J., Jr.  
Raynowska, Bernard J.  
Seward, Russell G.  
Splaine, John E., Sr.  
Tufts, Arthur  
Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Gilmore, Gary R.  
Keans, Sandra B.  
Marston, Robert E.  
Nehring, William H.  
Spencer, Leo J.  
Tsiros, William

Bickford, Drucilla  
Flynn, Edward J.  
Hashem, Elaine M.  
Kincaid, William K.  
McCann, William H., Jr.  
O'Brien, John  
Sullivan, Henry P.  
Vincent, Francis C.

Corte, Arthur B.  
Frechette, Roland A.  
Jankowski, Peter M.  
Kinney, Paula J.  
Merrill, Amanda A.  
Parks, Joe B.  
Torr, Ann M.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Peyron, Fredrik  
Stamatakis, Carol M.

Behrens, Thomas A.  
Krueger, Richard H.  
Rodeschin, Beverly T.  
Tetu, Michael A.

Burling, Peter Hoc  
Lindblade, Eric N.  
Schotanus, Merle W.  
Walsh, Robert R.

### NAYS 94 BELKNAP

Accornero, Harry  
Johnson, Carl R.  
Vogler, Charles C.

Cain, Thomas G.  
Joscelyn, William W.  
Ziegra, Alice S.

Dewhirst, Glenn E.  
Rice, Thomas E. P., Jr.

### CARROLL

Daly, Robert J., Jr.  
Wiggin, Gordon E.

Foster, Robert W.

Jean, Robert R.

### CHESHIRE

Cole, Kenneth A.  
Morse, Jo Ann T.

Crutchley, Donald O.

Metzger, Katherine H.

### COOS

Coulombe, Henry W.

### GRAFTON

Bean, Pamela B.  
Trelfa, Richard T.

Dow, David  
Whitcomb, Henry F., Jr.

Lougee, Richard W.

### HILLSBOROUGH

Andrews, Frederick B.  
Chasse, Richard D.  
Daigle, Robert A.  
Dodge, Emma M.  
Elliott, Larry G.  
Healy, Walter F.  
Johnson, Lionel W.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Ouellette, Robert O.  
Riley, Frances L.  
Turgeon, Roland M.  
Wright, George W.

Bowers, Dorothy C.  
Cook, Valerie S.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Ferlan, Arthur P.  
Hultgren, David D.  
King, Frank P.  
Lachut, Ervin R.  
Lefebvre, Roland J.  
Paquette, Rodolphe G.  
Rothhaus, Finlay C.  
Vanderlosk, Stanley R.

Buckley, Raymond  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Gagnon, Gabrielle V.  
Jasper, Shawn N.  
Kurk, Neal M.  
Laroche, Roger B.  
Lozeau, DonnaLee M.  
Pepino, Leo P.  
Stiles, Walter A.  
Wheeler, David K.

### MERRIMACK

Apple, Lowell D.  
Daneault, Gabriel J.

Barberia, Richard A.  
Smith, Gerald R.

Christie, Thomas J.  
Stapleton, Henry F.

### ROCKINGHAM

Brown, Jeffrey M.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Hynes, Carolyn E.  
MacKinnon, Nancy W.  
Packard, Sherman A.  
Rubin, George R.  
Sytek, John J.  
Weyler, Kenneth L.

Coffey, John J.  
Dowling, Patricia A.  
Flanders, David A.  
Keith, Brenda E.  
McCain, William F.  
Palazzo, Frank J.  
Senter, Marilyn P.  
Thayer, Leroy C.

Cooke, Annette M.  
Dube, LeRoy S.  
Ford, Bert H.  
Klemarczyk, Thaddeus E.  
McKinney, Betsy  
Roulston, Donald L.  
Smith, Arthur W.  
Welch, David A.

### STRAFFORD

Pageotte, Donald P.

Pelley, Janet R.

**SULLIVAN**

Domini, Irene C.                      Middleton, John A.  
and Section 2, B. was adopted.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

The question being on the remainder of the Committee amendment.

Roll call request sufficiently seconded.

**YEAS 259****NAYS 68****YEAS 259****BELKNAP**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Salatiello, Thomas B.  
Ziegra, Alice S.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Shibley, Arnold P.

Hawkins, Robert S.  
Rosen, Ralph J.  
Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.

Beach, Mildred A.  
Dickinson, Howard C.

Bradley, Jeb E.  
Foster, Robert W.

**CHESHIRE**

Burnham, Daniel M.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Pratt, Irene A.  
Spear, Susan S.

Champagne, Richard L.  
Feuer, Joseph N.  
Hogan, James B.  
LaMar, David M.  
Pearson, Gertrude B.  
Riley, William A.

Clark, Eugene W.  
Foster, Katherine D.  
Hunt, John B.  
Laurent, John J.  
Perry, David M.  
Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Merrill, Gerald P.  
Pratt, Leighton C.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Nelson, Harold D.  
Therault, Romeo J.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Whitcomb, Henry F., Jr.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Scanlan, David M.  
Wadsworth, Karen O.  
White, Paul R.

Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.

Alukonis, David J.  
Arnold, Barbara E.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Crotty, Edward J.  
Desrosiers, William J.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Cote, David E.  
Daigle, Robert A.  
Dodge, Emma M.

Donovan, Francis X.  
 Durham, Susan B.  
 Emerton, Lawrence A.  
 Gage, Ruth E.  
 Goulet, Maurice E.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 Jean, Romeo W.  
 Kelley, Robert N.  
 Lawrence, Eva M.  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 O'Rourke, Joanne A.  
 Perham, Lester R.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Smith, Leonard A.  
 Upton, Barbara A.  
 Wheeler, Robert L.

Drabinowicz, A. Theresa  
 Dwyer, Patricia R.  
 Ferguson, Charles  
 Gagnon, Eugene L.  
 Green, Scott E.  
 Haettenschwiller, Alphonse  
 Healy, Daniel J.  
 Keane, Cornelius J.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 Lown, Elizabeth D.  
 McDowell, James E.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Peters, Stanley W.  
 Reidy, Frank J.  
 Sallada, Roland A.  
 Soucy, Donna M.  
 Vanderlosk, Stanley R.  
 White, John M.

Drolet, Paul L.  
 Dyer, Merton S.  
 Ford, Nancy M.  
 Gosselin, Gerald O.  
 Greenglass, Alan B.  
 Hall, Betty B.  
 Holden, Carol H.  
 Kelley, Dana F.  
 Laughlin, J. Francis  
 Leclerc, Charles J.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Paquette, Rodolphe G.  
 Pignatelli, Debora B.  
 Rheault, Lillian I.  
 Searles, Stanley N., Sr.  
 Tate, Joan C.  
 Wheeler, David K.

### MERRIMACK

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Jacobson, Alf E.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Stio, Peter M.  
 Whittemore, James A.

Boucher, Laurent J.  
 Chandler, John P.  
 Fair, Patricia A.  
 Hall, Douglas E.  
 Jelley, Francis D.  
 Letourneau, George E.  
 Molner, Mary E.  
 Soldati, Jennifer G.  
 Teague, Bert  
 Yeaton, Charles B.

Carter, Susan D.  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Stapleton, Henry F.  
 Trombly, Rick A.

### ROCKINGHAM

Barnes, John S., Jr.  
 Boucher, William P.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 Pantelakos, Laura C.

Bell, Juanita L.  
 Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Kane, Cecelia D.  
 Lovejoy, Virginia K.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.

Benton, Richardson D.  
 Caswell, Albert, Jr.  
 Coffey, John J.  
 Cote, Patricia L.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Griebisch, Linda  
 Hynes, Carolyn E.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 Melnick, Roy E.  
 Rosencrantz, James R.



Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Terninko, Margaret B.  
 Warburton, Calvin

Seward, Russell G.  
 Splaine, John E., Sr.  
 Tufts, Arthur  
 Woods, Deborah L.

Simon, Peter M.  
 Syracuse, Anthony  
 Vaughn, Charles L.

### STRAFFORD

Appleby, James E.  
 Douglass, Clyde J.  
 Gilmore, Gary R.  
 Keans, Sandra B.  
 Marston, Robert E.  
 Nehring, William H.  
 Sullivan, Henry P.  
 Vincent, Francis C.

Bickford, Drucilla  
 Flynn, Edward J.  
 Hashem, Elaine M.  
 Kincaid, William K.  
 McCann, William H., Jr.  
 O'Brien, John  
 Torr, Ann M.  
 Wheeler, Katherine W.

Corte, Arthur B.  
 Frechette, Roland A.  
 Jankowski, Peter M.  
 Kinney, Paula J.  
 Merrill, Amanda A.  
 Spencer, Leo J.  
 Tsiros, William

### SULLIVAN

Allison, David C.  
 Flint, Gordon B.  
 Rodeschin, Beverly T.  
 Tetu, Michael A.

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Schotanus, Merle W.  
 Walsh, Robert R.

Burling, Peter Hoe  
 Peyron, Fredrik  
 Stamatakis, Carol M.

### NAYS 68

#### BELKNAP

Accornero, Harry  
 Maviglio, Steven R.

Dewhirst, Glenn E.  
 Rice, Thomas E. P., Jr.

Joscelyn, William W.  
 Vogler, Charles C.

#### CARROLL

Daly, Robert J., Jr.

Jean, Robert R.

Wiggin, Gordon E.

#### CHESHIRE

Cole, Kenneth A.

Crutchley, Donald O.

Morse, Jo Ann T.

#### COOS

None

#### GRAFTON

Dow, David

Trelfa, Richard T.

#### HILLSBOROUGH

Buckley, Raymond  
 Daniels, Gary L.  
 Ferlan, Arthur P.  
 Hultgren, David D.  
 King, Frank P.  
 Lachut, Ervin R.  
 Ouellette, Robert O.  
 Rothhaus, Finlay C.  
 Wright, George W.

Chasse, Richard D.  
 Domaingue, Jacquelyn M.  
 Gagnon, Gabrielle V.  
 Jasper, Shawn N.  
 Kurk, Neal M.  
 Lozeau, Donnalee M.  
 Pepino, Leo P.  
 Stiles, Walter A.

Cook, Valerie S.  
 Elliott, Larry G.  
 Healy, Walter F.  
 Johnson, Lionel W.  
 L'Heureux, Robert J.  
 Martin, Mary Ellen  
 Riley, Frances L.  
 Turgeon, Roland M.

#### MERRIMACK

Apple, Lowell D.  
 Christie, Thomas J.

Barberia, Richard A.

Braiterman, Thea

**ROCKINGHAM**

|                     |                      |                     |
|---------------------|----------------------|---------------------|
| Brown, Jeffrey M.   | Dowling, Patricia A. | Drake, Herbert R.   |
| Dube, LeRoy S.      | Flanders, David A.   | Ford, Bert H.       |
| Keith, Brenda E.    | MacKinnon, Nancy W.  | McKinney, Betsy     |
| Packard, Sherman A. | Palazzo, Frank J.    | Roulston, Donald L. |
| Rubin, George R.    | Senter, Marilyn P.   | Smith, Arthur W.    |
| Sytek, John J.      | Thayer, Leroy C.     | Welch, David A.     |
| Weyler, Kenneth L.  |                      |                     |

**STRAFFORD**

|                     |               |                  |
|---------------------|---------------|------------------|
| Pageotte, Donald P. | Parks, Joe B. | Pelley, Janet R. |
|---------------------|---------------|------------------|

**SULLIVAN**

|                  |                     |                    |
|------------------|---------------------|--------------------|
| Domini, Irene C. | Krueger, Richard H. | Middleton, John A. |
|------------------|---------------------|--------------------|

and the remainder of the amendment was adopted.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

Rep. Gene Chandler offered a floor.

**Floor Amendment**

Amend the bill by replacing section 3 with the following:

3 Appropriation: Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

**A. Central office**

|                            |            |
|----------------------------|------------|
| 1. Computer power upgrade* | \$ 350,000 |
|----------------------------|------------|

|                                     |            |
|-------------------------------------|------------|
| Total state appropriation section 3 | \$ 350,000 |
|-------------------------------------|------------|

Amend the bill by replacing section 9 with the following:

9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4, 5, and 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$79,626,734 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. In order to provide funds to pay the cost of issuing the bonds authorized by this section, the state treasurer may issue bonds up to 102 percent of the authorized amounts. The proceeds from the additional bonds may be used only for the purpose of paying such issuance costs.

Rep. Gene Chandler spoke in favor.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 676-FN**, relative to notice of discontinuance of class IV, V or Vi highways. OUGHT TO PASS.

This bill originally was reported Inexpedient to Legislate by a very slim margin. It was voted to Recommit to Committee as the result of a substitute motion on the floor of the House. The prime sponsor of the bill testified to the Committee (which he had been unable to do at the original hearing). He convinced the Committee that absentee landowners have as much right to be notified as residents, and that such notification could preclude future court action. Vote 11-0. Rep. Daniel P. McNerney for Public Works.

Adopted.

Ordered to third reading.

**HB 784-FN**, creating a long-range construction program for New Hampshire's highways and highway bridges. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 784 requires the Commissioner of the Department of Transportation to develop and implement a long-range highway and bridge construction program so that New Hampshire may fully participate in the proposed 1992 Federal Aid. Highway Act. The Governor's Advisory Commission on Highways are in favor of this bill. Vote 11-0. Rep. Beaton Marsh for Public Works.

#### **Amendment**

Amend the bill by replacing all after section 2 with the following:

3 Public Hearings and Report. The commissioner shall submit the tentative construction program to the governor's advisory commission on highways no later than November 1, of the final year of the biennium. The governor's advisory commission on highways shall conduct a public hearing in each executive council district to present the tentative construction program to the public and to receive the public's comments and recommendations regarding the program. The governor's advisory commission on highways shall submit such program along with the commission's recommendations to the governor no later than June 1, of each odd year.

I. The governor shall submit his recommendations for the 10-year highway program to the department of transportation by August 1, of each odd year.

II. The commissioner shall develop project descriptions, cost estimates and a construction schedule for the long-range highway and bridge construction program and shall submit the program to the governor no later than December 1, of each odd year.

III. The governor shall submit to the general court no later than February 15, of each even year the long-range construction program for New Hampshire's highways and highway bridges.

IV. The commissioner shall revise and update the program every 2 years. The governor's advisory commission on highways shall conduct a public hearing in each executive council district to present the revised program to the public and to receive the public's comments and recommendations regarding the revised program.

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted.

Ordered to third reading.

#### **SUSPENSION OF RULES**

Rep. Rodeschin moved that the rules be so far suspended as to permit consideration at the present time of HCR 12, concerning the use of automatic dialing devices for telephone solicitation purposes.

Adopted by the necessary two-thirds.

**HCR 12**, concerning the use of automatic dialing devices for telephone solicitation purposes. **OUGHT TO PASS.**

This resolution is in response to a bill addressing a telecommunications problem which the Committee felt was best solved on a national level. The Committee sincerely wishes that there would be a simple solution to the unwanted computer-generated calls that plague us all; however, since these calls are generated on an

interstate basis, the Committee felt that it was best to let its feelings be known to the national delegation. Vote 11-0. Rep. Karen K. McRae for Science, Technology and Energy.

Adopted.

Ordered to third reading.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 26, 1991 at 1:00 p.m..

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 670-FN**, relative to condominium conversion of manufactured housing parks.

**HB 706-FN**, relative to the allowable length of semi-trailers.

**HCR 13**, calling for a delay in the implementation of the Internal Revenue Service advisory opinion on mileage reimbursements for members of the general court.

**HB 133**, relative to the right to know law.

**HB 674 FN**, designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers.

**HB 709-FN**, establishing a study committee relative to clearcutting forest resources and extending the effective date for rulemaking by the board of licensing for foresters.

**HB 589-FN**, relative to holding companies.

**HB 638-FN**, relative to credit for reinsurance.

**HB 720-FN**, relative to fireworks.

**HB 676-FN**, relative to notice of discontinuance of class IV, V or VI highways.

**HB 784-FN**, creating a long-range construction program for New Hampshire's highways and highway bridges.

**HCR 12**, concerning the use of automatic dialing devices for telephone solicitation purposes.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Ferguson moved that the House reconsider its action whereby it made HB 359, relative to fees for registration permits for vehicles Inexpedient to Legislate and spoke to his motion.

Rep. Parks spoke in favor and yielded to questions.

Rep. Gross spoke in favor.

Reps. Flynn, Jacobson, and Chambers spoke against.

Rep. Ferguson withdrew his motion.



**CONFEREE CHANGES**

**HB 50-FN-A**, Rep. Gross replaces Rep. Kurk.

Rep. Ann Torr moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 5:15 p.m.

**RECESS**

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 15**

Tuesday, March 26, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairisto.

Almighty God, by whose power we are given life, by whose love our lives are sustained, and by whose Spirit we are guided throughout our days, for all the divine goodness that comes to us each day we offer our thanks. Pull us away now, we pray, from unhelpful distractions and personal concerns. Help us to center our hearts and minds and energies on the work that is before us. Give to us, we ask, minds that are alert, hearts that are pure, and consciences that are clear, and so guide us in our speaking and in our voting that upon leaving this place this day we can go with the assurance that we have done our very best. Amen.

Rep. Bonnie Lou McCann led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Bernard, Eunice Campbell, Feuerstein, Swope, Parr, Lawrence Chase, Jr., Ackerman, Syracuse, Stewart and Annette Cooke, the day, illness.

Reps. Asplund, Lown, Nancy Ford, Tsiros, William Riley, David Young (military service), Senter, C. Fitzgerald Buckley, Donald Messier, Falwell, Jeffrey Brown, David Wheeler, Martin and Tarpley, the day, important business.

**INTRODUCTION OF GUESTS**

Benjamin Clemons, Danielle Lacovara, Michael and Sean Munroe, June Lacovara and Tima Munroe, son, niece, nephews, and sisters of Rep. Clemons. Kristie Bellance, Proum Phath, Reth Bun and Mary Lou Lotterhand, students and teacher from Lebanon High School, guests of Reps. Channing Brown and Pamela Bean. Pauline Green, mother of Rep. Scott Green. Christopher Messier, son of Rep. Irene Messier. Patty Berthiaune, Marcia B. Tennant, Linda Lahey, Carrol Bond and Cathie Marcoux, guests of Rep. Ouellette. Herbert Smith, Sergeant-at-Arms of the Vermont Legislature, guest of Rep. Burns. Seth and Tracey Clason and Kelly Lynch, grandson and daughters of Rep. Lynch.

**COMMITTEE OF CONFERENCE REPORTS**

**HB 50-FN-A**, relative to state revenue and expenditures.

Rep. Kurk spoke against.

Rep. Hager spoke in favor and yielded to questions.

Rep. Donna Sytek yielded to questions.

Rep. Gross spoke in favor.

Roll call request sufficiently seconded.

The question being the adoption of the Conference Report.

**YEAS 255****NAYS 87****YEAS 255****BELKNAP**

Bartlett, Gordon E.  
Hawkins, Robert S.  
Maviglio, Steven R.  
Turner, Robert H.

Cain, Thomas G.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Salatiello, Thomas B.  
Ziegler, Alice S.

**CARROLL**

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Chandler, Gene G.  
Foster, Robert W.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Stacey W.  
Feuer, Joseph N.

Champagne, Richard L.  
Crutchley, Donald O.  
Foster, Katherine D.

Clark, Eugene W.  
Doucette, Richard F.  
Grodin, Richard A.

Hogan, James B.  
LaMar, David M.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Hunt, John B.  
Laurent, John J.  
Perry, David M.  
Spear, Susan S.

Kennison, Wayne A.  
Metzger, Katherine H.  
Pratt, Irene A.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Mayhew, Josephine  
Pratt, Leighton C.

Coulombe, Henry W.  
Horton, Lynn C.  
Merrill, Gerald P.  
Theriault, Romeo J.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Shackett, Ralph E.  
Wadsworth, Karen O.  
White, Paul R.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Calawa, Leon, Jr.  
Desrosiers, William J.  
Durham, Susan B.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.  
Healy, Daniel J.  
Kelley, Dana F.  
Lawrence, Eva M.  
Mason, Howard F.  
Mercer, Robert S.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Pignatelli, Debora B.  
Rheault, Lillian I.

Anidon, Eleanor H.  
Bowers, Dorothy C.  
Cote, David E.  
Dodge, Emma M.  
Dwyer, Patricia R.  
Fenton, James J.  
Fields, Dennis H.  
Gagnon, Gabrielle V.  
Green, Scott E.  
Haettenschwiller, Alphonse  
Johnson, Lionel W.  
Kelley, Robert N.  
Leclerc, Charles J.  
McCann, Bonnie Lou  
Messier, Irene M.  
Nardi, Theodora P.  
Perham, Lester R.  
Record, Alice B.  
Robinson, Ellen-Ann

Andrews, Frederick B.  
Burke, Stephen J.  
Cowenhoven, Garret P.  
Drolet, Paul L.  
Dyer, Merton S.  
Ferguson, Charles  
Gage, Ruth E.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Keane, Cornelius J.  
Kuchinski, Steve  
Lefebvre, Roland J.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Peters, Stanley W.  
Reidy, Frank J.  
Sallada, Roland A.

Schneiderat, Catherine A.  
Soucy, Donna M.  
Upton, Barbara A.  
Wihby, Linda S.

Searles, Stanley N., Sr.  
Steiner, Lee Anne  
Vanderlosk, Stanley R.

Smith, Leonard A.  
Stiles, Walter A.  
Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Dunn, Miriam D.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Molner, Mary E.  
Soldati, Jennifer G.  
Trombly, Rick A.  
Whittemore, James A.

Boucher, Laurent J.  
Chandler, Earle W.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Jelley, Francis D.  
Kidder, William F.  
Lockwood, Robert A.  
Nichols, Avis B.  
Stio, Peter M.  
Wallner, Mary Jane  
Yeaton, Charles B.

Braiterman, Thea  
Chandler, John P.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, C. William  
Letourneau, George E.  
Millard, Elizabeth S.  
Smith, Gerald R.  
Teague, Bert  
Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
Christie, Andrew, Jr.  
Conroy, Janet M.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Rosencrantz, James R.  
Skinner, Patricia M.  
Sytek, John J.  
Tufts, Arthur  
Woods, Deborah L.

Benton, Richardson D.  
Coffey, John J.  
Cote, Patricia L.  
Dowling, Patricia A.  
Flanagan, Natalie S.  
Hoelzel, Kathleen M.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
Magoon, Harold F.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Seward, Russell G.  
Smith, Arthur W.  
Terninko, Margaret B.  
Vaughn, Charles L.

Campbell, Marilyn R.  
Connell, David R.  
DiPietro, Carmela M.  
Drake, Herbert R.  
Flanders, Harry E.  
Hurst, Sharleene P.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
McCain, William F.  
McKinney, Betsy  
Raynowska, Bernard J.  
Simon, Peter M.  
Sytek, Donna P.  
Thayer, Leroy C.  
Welch, David A.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Foss, Patricia H.  
Kinney, Paula J.  
McCann, William H., Jr.  
Nehring, William H.  
Sullivan, Henry P.  
Wall, Janet G.

Bickford, Drucilla  
Douglass, Clyde J.  
Keans, Sandra B.  
Marston, Robert E.  
Merrill, Amanda A.  
Parks, Joe B.  
Torr, Ann M.  
Wheeler, Katherine W.

Brown, Julie M.  
Flynn, Edward J.  
Kincaid, William K.  
Martling, W. Kent  
Musler, George T.  
Pelley, Janet R.  
Vincent, Francis C.  
Young, John B.

### SULLIVAN

Behrens, Thomas A.  
Middleton, John A.  
Walsh, Robert R.

Flint, Gordon B.  
Rodeschin, Beverly T.

Krueger, Richard H.  
Schotanus, Merle W.



### NAYS 87 BELKNAP

Accornero, Harry  
Rice, Thomas E. P., Jr.

Dewhirst, Glenn E.  
Shibley, Arnold P.

Golden, Paul A.  
Zaharchuk, Peter J., Jr.

### CARROLL

Daly, Robert J., Jr.

Jean, Robert R.

Wiggin, Gordon E.

### CHESHIRE

Cole, Kenneth A.

DePecol, Benjamin J.

Kingsbury, H. Thayer

### COOS

Oliver, Terry D.

### GRAFTON

Markley, J. Keith

### HILLSBOROUGH

Alukonis, David J.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Hall, Betty B.  
Jasper, Shawn N.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
McDowell, James E.  
Riley, Frances L.  
Turgeon, Roland M.

Baker, George H., Sr.  
Bourque, Ann J.  
Clemons, Jane A.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Healy, Walter F.  
Jean, Romeo W.  
Lachut, Ervin R.  
Lawrence, Norman B.  
Ouellette, Robert O.  
Rothhaus, Finlay C.  
White, John M.

Baldizar, Barbara J.  
Buckley, Raymond  
Cook, Valerie S.  
Daniels, Gary L.  
Donovan, Francis X.  
Hultgren, David D.  
Kurk, Neal M.  
Larochelle, Roger B.  
Lozeau, Donnalce M.  
Pepino, Leo P.  
Tate, Joan C.  
Wright, George W.

### MERRIMACK

Barberia, Richard A.  
Jacobson, Alf E.

Christie, Thomas J.

Daneault, Gabriel J.

### ROCKINGHAM

Boucher, William P.  
Chulack, Peter G., Sr.  
Flanders, David A.  
Hutchinson, Karen K.  
Malcolm, Kenneth W.  
Rubin, George R.  
Warburton, Calvin

Buco, Stephen W.  
Clark, Martha Fuller  
Ford, Bert H.  
Kane, Cecelia D.  
Palazzo, Frank J.  
Schanda, Joseph, Sr.  
Weyler, Kenneth L.

Caswell, Albert, Jr.  
Dube, LeRoy S.  
Griebisch, Linda  
Keith, Brenda E.  
Roulston, Donald L.  
Splaine, John E., Sr.

### STRAFFORD

Gilmore, Gary R.  
Jankowski, Peter M.  
Spencer, Leo J.

Hambrick, Patricia A.  
O'Brien, John  
Torr, Ralph W.

Hashem, Elaine M.  
Pageotte, Donald P.

**SULLIVAN**

Allison, David C.

Domini, Irene C.

Harland, Jane A.

Peyron, Fredrik

Tetu, Michael A.

and the report was adopted.

**HB 593-FN-A**, relative to the rate of the business profits tax.

Rep. Donna Sytek spoke in favor.

Roll call request sufficiently seconded.

The question being the adoption of the Conference Report.

**YEAS 278****NAYS 71****YEAS 278****BELKNAP**

Accornero, Harry

Bartlett, Gordon E.

Cain, Thomas G.

Campbell, Richard H., Jr.

Hawkins, Robert S.

Holbrook, Robert G.

Johnson, Carl R.

Maviglio, Steven R.

Rice, Thomas E. P., Jr.

Rosen, Ralph J.

Salatiello, Thomas B.

Shibley, Arnold P.

Turner, Robert H.

Vogler, Charles C.

Zaharchuk, Peter J., Jr.

Ziegra, Alice S.

**CARROLL**

Beach, Mildred A.

Bradley, Jeb E.

Chandler, Gene G.

Dickinson, Howard C.

Dodge, A. Gibb, Jr.

Foster, Robert W.

Saunders, Howard N.

Wiggin, Allen R.

Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.

Champagne, Richard L.

Clark, Eugene W.

Cole, Kenneth A.

Cole, Stacey W.

Crutchley, Donald O.

Doucette, Richard F.

Feuer, Joseph N.

Foster, Katherine D.

Grodin, Richard A.

Hogan, James B.

Hunt, John B.

Kennison, Wayne A.

LaMar, David M.

Laurent, John J.

Metzger, Katherine H.

Morse, Jo Ann T.

Pearson, Gertrude B.

Perry, David M.

Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.

Coulombe, Henry W.

Guay, Lawrence J.

Hawkinson, Marie C.

Horton, Lynn C.

Kilbride, Dennis J.

Marsh, Beaton

Mayhew, Josephine

Merrill, Gerald P.

Nelson, Harold D.

Pratt, Leighton C.

Theriault, Romeo J.

**GRAFTON**

Adams, Carl S.

Arnesen, Deborah L.

Bean, Pamela B.

Brown, Channing T.

Brown, Patricia B.

Chambers, Mary P.

Christy, C. Dana

Copenhaver, Marion L.

Driscoll, William J.

Guest, Robert H.

Hill, Richard L.

LaMott, Paul I.

Larson, Nils H., Jr.

Lougee, Richard W.

McIlwaine, Deborah P.

Nielsen, Niels F., Jr.

Scanlan, David M.

Shackett, Ralph E.

Teschner, Douglass P.

Trelfa, Richard T.

Wadsworth, Karen O.

Ward, Kathleen W.

Whitcomb, Henry F., Jr.

White, Paul R.

**HILLSBOROUGH**

|                            |                          |                         |
|----------------------------|--------------------------|-------------------------|
| Ahrens, Frederick G.       | Alukonis, David J.       | Amidon, Eleanor H.      |
| Andrews, Frederick B.      | Arnold, Barbara E.       | Baker, George H., Sr.   |
| Baroody, Benjamin C.       | Bowers, Dorothy C.       | Burke, Stephen J.       |
| Calawa, Leon, Jr.          | Chasse, Richard D.       | Cook, Valerie S.        |
| Cote, David E.             | Cowenhoven, Garret P.    | Crotty, Edward J.       |
| Desrosiers, William J.     | Dodge, Emma M.           | Domaingue, Jacquelyn M. |
| Donovan, Francis X.        | Drolet, Paul L.          | Durham, Susan B.        |
| Dyer, Merton S.            | Elliott, Larry G.        | Emerton, Lawrence A.    |
| Fenton, James J.           | Ferguson, Charles        | Ferlan, Arthur P.       |
| Fields, Dennis H.          | Gage, Ruth E.            | Gagnon, Eugene L.       |
| Gagnon, Gabrielle V.       | Gosselin, Gerald O.      | Goulet, Maurice E.      |
| Green, Scott E.            | Greenglass, Alan B.      | Gureckis, Adam C., Sr.  |
| Haettenschwiller, Alphonse | Hanselman, Gregory L.    | Healy, Daniel J.        |
| Healy, Walter F.           | Hultgren, David D.       | Jean, Romeo W.          |
| Keane, Cornelius J.        | Kelley, Dana F.          | Kelley, Robert N.       |
| Lachut, Ervin R.           | Leclerc, Charles J.      | Lefebvre, Roland J.     |
| Mason, Howard F.           | McCann, Bonnie Lou       | McDowell, James E.      |
| Mercer, Robert S.          | Messier, Irene M.        | Moore, Elizabeth A.     |
| Murphy, Robert E.          | Nardi, Theodora P.       | O'Rourke, Joanne A.     |
| Packard, Bonnie B.         | Paquette, Rodolphe G.    | Perham, Lester R.       |
| Peters, Stanley W.         | Pignatelli, Debora B.    | Record, Alice B.        |
| Reidy, Frank J.            | Riley, Frances L.        | Robinson, Ellen-Ann     |
| Sallada, Roland A.         | Searles, Stanley N., Sr. | Smith, Leonard A.       |
| Steiner, Lee Anne          | Stiles, Walter A.        | Tate, Joan C.           |
| Turgeon, Roland M.         | Upton, Barbara A.        | Vanderlosk, Stanley R.  |
| Wheeler, Robert L.         | Wihby, Linda S.          |                         |

**MERRIMACK**

|                      |                       |                      |
|----------------------|-----------------------|----------------------|
| Apple, Lowell D.     | Barberia, Richard A.  | Boucher, Laurent J.  |
| Braiterman, Thea     | Carter, Susan D.      | Chandler, Earle W.   |
| Chandler, John P.    | Daneault, Gabriel J.  | Dunn, Miriam D.      |
| Fair, Patricia A.    | Fillion, Paul R.      | Gilbreth, Robert M.  |
| Gross, Caroline L.   | Hager, Elizabeth S.   | Hall, Douglas E.     |
| Hayes, Robert C.     | Hill, Michael J.      | Holmes, Mary C.      |
| Jelley, Francis D.   | Johnson, C. William   | Johnson, Joyce M.    |
| Kidder, William F.   | Letourneau, George E. | Lewis, Mary Ann      |
| Lockwood, Robert A.  | Millard, Elizabeth S. | Molner, Mary E.      |
| Nichols, Avis B.     | Smith, Gerald R.      | Soldati, Jennifer G. |
| Stio, Peter M.       | Teague, Bert          | Trombly, Rick A.     |
| Whittemore, James A. |                       |                      |

**ROCKINGHAM**

|                        |                       |                       |
|------------------------|-----------------------|-----------------------|
| Barnes, John S., Jr.   | Benton, Richardson D. | Buco, Stephen W.      |
| Campbell, Marilyn R.   | Caswell, Albert, Jr.  | Christie, Andrew, Jr. |
| Chulack, Peter G., Sr. | Coffey, John J.       | Connell, David R.     |
| Conroy, Janet M.       | Cote, Patricia L.     | DiPietro, Carmela M.  |
| Dowd, Sandra K.        | Dowling, Patricia A.  | Drake, Herbert R.     |
| Felch, Charles H., Sr. | Flanagan, Natalie S.  | Flanders, Harry E.    |
| Flanders, John W., Sr. | Greene, Elizabeth A.  | Griebisch, Linda      |

Hoelzel, Kathleen M.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
McCain, William F.  
McKinney, Betsy  
Rosencrantz, James R.  
Simon, Peter M.  
Sytek, Donna P.  
Thayer, Leroy C.  
Warburton, Calvin

Hurst, Sharleene P.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Rubin, George R.  
Skinner, Patricia M.  
Sytek, John J.  
Tufts, Arthur  
Weyler, Kenneth L.

Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
Malcolm, Kenneth W.  
McGovern, Cynthia A.  
Raynowska, Bernard J.  
Seward, Russell G.  
Smith, Arthur W.  
Terninko, Margaret B.  
Vaughn, Charles L.  
Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Foss, Patricia H.  
Kinney, Paula J.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Torr, Ann M.  
Wheeler, Katherine W.

Bickford, Drucilla  
Douglass, Clyde J.  
Keans, Sandra B.  
Marston, Robert E.  
Musler, George T.  
Spencer, Leo J.  
Vincent, Francis C.  
Young, John B.

Brown, Julie M.  
Flynn, Edward J.  
Kincaid, William K.  
Martling, W. Kent  
Nehring, William H.  
Sullivan, Henry P.  
Wall, Janet G.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Rodeschin, Beverly T.

Domini, Irene C.  
Middleton, John A.  
Schotanus, Merle W.

Flint, Gordon B.  
Peyron, Fredrik  
Walsh, Robert R.

### NAYS 71

### BELKNAP

Dewhirst, Glenn E.

Golden, Paul A.

### CARROLL

Daly, Robert J., Jr.

Jean, Robert R.

### CHESHIRE

DePecol, Benjamin J.  
Spear, Susan S.

Kingsbury, H. Thayer

Pratt, Irene A.

### COOS

Oliver, Terry D.

### GRAFTON

Dow, David

Markley, J. Keith

Nordgren, Sharon L.

### HILLSBOROUGH

Baldizar, Barbara J.  
Clemons, Jane A.  
Desrochers, Gerard T.  
Hall, Betty B.  
Kuchinski, Steve  
Larochelle, Roger B.  
McNerney, Daniel P.  
Rheault, Lillian I.  
Soucy, Donna M.

Bourque, Ann J.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Jasper, Shawn N.  
Kurk, Neal M.  
Laughlin, J. Francis  
Ouellette, Robert O.  
Rothhaus, Finlay C.  
White, John M.

Buckley, Raymond  
Daniels, Gary L.  
Dwyer, Patricia R.  
Johnson, Lionel W.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Pepino, Leo P.  
Schneiderat, Catherine A.  
Wright, George W.



**MERRIMACK**

Christie, Thomas J.  
Weeks, John F., Jr.

Jacobson, Alf E.  
Yeaton, Charles B.

Wallner, Mary Jane

**ROCKINGHAM**

Boucher, William P.  
Flanders, David A.  
Kane, Cecelia D.  
Palazzo, Frank J.  
Schanda, Joseph, Sr.

Clark, Martha Fuller  
Ford, Bert H.  
Keith, Brenda E.  
Pantelakos, Laura C.  
Splaine, John E., Sr.

Dube, LeRoy S.  
Hutchinson, Karen K.  
Melnick, Roy E.  
Roulston, Donald L.  
Welch, David A.

**STRAFFORD**

Gilmore, Gary R.  
Jankowski, Peter M.  
Parks, Joe B.

Hambrick, Patricia A.  
Merrill, Amanda A.  
Pelley, Janet R.

Hashem, Elaine M.  
O'Brien, John  
Torr, Ralph W.

**SULLIVAN**

Allison, David C.  
and the report was adopted.

Harland, Jane A.

Tetu, Michael A.

Rep. Lozeau abstained from voting under Rule 16.

**ENROLLED BILLS REPORT**

**HB 125**, relative to drink rails.

**HB 179**, relative to authorization of treatment for communicable diseases.

**HJR 2**, providing that the Kona Wildlife Management Area shall be forever managed by the state of New Hampshire in a manner so as to protect its habitats.

Rep. Dunn, Sen. Currier  
for the Committee.

**REGULAR CALENDAR**

**HB 660-FN-A**, establishing a highway and bridge betterment program and making an appropriation therefor. **OUGHT TO PASS.**

This bill establishes a highway and bridge betterment program to improve the condition of State-maintained highways and bridges by increasing the gasoline tax by \$.02. The funds will be spent on the six state highway districts based 1/2 on population and 1/2 on miles of roads, exclusive of turnpikes. Cities and towns will receive 12 percent of the funds received to be distributed under the highway community assistance program.

The bill will insure maximum utilization of federal highway funds and improve the economy of the state. Vote 17-0. Rep. Barbara E. Arnold for Ways and Means. Adopted.

Ordered to third reading.

Rep. Braiterman notified the Clerk that she wished to be recorded in opposition to **HB 660**.

**HB 763-FN-A**, to fund state aid to education, to provide for property tax relief for cities and towns and individuals, to amend the state tax structure, and making an appropriation therefor. **MAJORITY: RE-REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.**

**MAJORITY:** Although this bill, as drafted, presented many problems, both major and minor, to virtually every member of the Committee, it voted to Re-refer to Committee believing that (1) it was necessary to have a companion bill to CACR 9, detail-

ing the proposed tax to facilitate understanding of and debate on CACR 9, and (2) if a property tax initiative is to be brought forward next year, it is important to develop a consensus representing many different political philosophies; rejecting House Bill 763 would be inimical to development of such a consensus. The vote 16-3 for Re-referral was a bipartisan vote, representing many different philosophical points of view. Rep. Robert C. Hayes for the Majority of Ways and Means.

MINORITY: This bill would be both complicated to implement and would require a large staff and an additional facility and computer system to administer.

It promises to relieve the property tax, but could well cost many taxpayers more money and in the long run property taxes could easily be as high for everyone as they are now. Rep Shawn N. Jasper for the Minority of Ways and Means.

Rep. Robinson moved that debate be limited to 40 minutes equally divided, with questions excluded from the time limit.

Adopted.

Rep. Jasper moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Re-refer to Committee, spoke to his motion and yielded to questions.

Rep. Hayes spoke against and yielded to questions.

Rep. Welch spoke in favor and yielded to questions.

Reps. Spencer and Teague spoke against and yielded to questions.

Rep. Jacobson spoke against.

Reps. Frances Riley and Domaingue spoke in favor.

Rep. Coffey spoke in favor and yielded to questions.

Rep. Teschner spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

#### YEAS 170

Accornero, Harry  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

#### YEAS 170 BELKNAP

Bartlett, Gordon E.  
Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

#### NAYS 188

Cain, Thomas G.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

#### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Wiggin, Gordon E.

Beach, Mildred A.  
Jean, Robert R.

Chandler, Gene G.  
Wiggin, Allen R.

#### CHESHIRE

Cole, Stacey W.  
Laurent, John J.

Feuer, Joseph N.

Kennison, Wayne A.

#### COOS

Brungot, Catherine V.  
Marsh, Beaton  
Theriault, Romeo J.

Coulombe, Henry W.  
Merrill, Gerald P.

Guay, Lawrence J.  
Oliver, Terry D.

**GRAFTON**

Christy, C. Dana  
Lougee, Richard W.  
Trelfa, Richard T.

Dow, David  
Markley, J. Keith  
Whitcomb, Henry F., Jr.

Hill, Richard L.  
Nielsen, Niels F., Jr.

**HILLSBOROUGH**

Alukonis, David J.  
Baroody, Benjamin C.  
Buckley, Raymond  
Cook, Valerie S.  
Daniels, Gary L.  
Donovan, Francis X.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gagnon, Gabrielle V.  
Greenglass, Alan B.  
Jasper, Shawn N.  
Kelley, Robert N.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
McRae, Karen K.  
Pepino, Leo P.  
Rheault, Lillian I.  
Sallada, Roland A.  
Soucy, Donna M.  
Turgeon, Roland M.  
Wihby, Linda S.

Andrews, Frederick B.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cote, David E.  
Dodge, Emma M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Healy, Daniel J.  
Jean, Romeo W.  
Kuchinski, Steve  
Lachut, Ervin R.  
Lawrence, Eva M.  
Mason, Howard F.  
Mercer, Robert S.  
Record, Alice B.  
Riley, Frances L.  
Schneiderat, Catherine A.  
Steiner, Lee Anne  
Vanderlosk, Stanley R.  
Wright, George W.

Arnold, Barbara E.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Crotty, Edward J.  
Domaingue, Jacquelyn M.  
Dwyer, Patricia R.  
Fenton, James J.  
Gagnon, Eugene L.  
Goulet, Maurice E.  
Hultgren, David D.  
Keane, Cornelius J.  
Kurk, Neal M.  
Larochelle, Roger B.  
Lawrence, Norman B.  
McNerney, Daniel P.  
O'Rourke, Joanne A.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Searles, Stanley N., Sr.  
Tate, Joan C.  
Wheeler, Robert L.

**MERRIMACK**

Apple, Lowell D.  
Daneault, Gabriel J.  
Soldati, Jennifer G.

Barberia, Richard A.  
Johnson, C. William  
Stapleton, Henry F.

Christie, Thomas J.  
Millard, Elizabeth S.  
Stio, Peter M.

**ROCKINGHAM**

Barnes, John S., Jr.  
Christie, Andrew, Jr.  
Connell, David R.  
Dowd, Sandra K.  
Dube, LeRoy S.  
Flanders, Harry E.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Palazzo, Frank J.  
Rubin, George R.  
Smith, Arthur W.  
Welch, David A.

Boucher, William P.  
Chulack, Peter G., Sr.  
Cote, Patricia L.  
Dowling, Patricia A.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Hurst, Sharleene P.  
Keith, Brenda E.  
McCain, William F.  
Melnick, Roy E.  
Raynowska, Bernard J.  
Seward, Russell G.  
Thayer, Leroy C.  
Weyler, Kenneth L.

Buco, Stephen W.  
Coffey, John J.  
DiPietro, Carmela M.  
Drake, Herbert R.  
Flanagan, Natalie S.  
Ford, Bert H.  
Hutchinson, Karen K.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Roulston, Donald L.  
Simon, Peter M.  
Warburton, Calvin

**STRAFFORD**

Appleby, James E.  
Corte, Arthur B.  
Kinney, Paula J.  
Parks, Joe B.

Bickford, Drucilla  
Douglass, Clyde J.  
Nehring, William H.  
Torr, Ralph W.

Brown, Julie M.  
Foss, Patricia H.  
Pageotte, Donald P.  
Vincent, Francis C.

**SULLIVAN**

Domini, Irene C.  
Rodeschin, Beverly T.

Middleton, John A.

Peyron, Fredrik

**NAYS 188****BELKNAP**

Campbell, Richard H., Jr.  
Maviglio, Steven R.

Hawkins, Robert S.  
Salatiello, Thomas B.

Joscelyn, William W.  
Vogler, Charles C.

**CARROLL**

Bradley, Jeb E.  
Foster, Robert W.

Dickinson, Howard C.  
Saunders, Howard N.

Dodge, A. Gibb, Jr.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Doucette, Richard F.  
Hogan, James B.  
LaMar, David M.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Champagne, Richard L.  
Crutchley, Donald O.  
Foster, Katherine D.  
Hunt, John B.  
Lynch, Margaret A.  
Perry, David M.  
Spear, Susan S.

Clark, Eugene W.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Pratt, Irene A.

**COOS**

Hawkinson, Marie C.  
Mayhew, Josephine

Horton, Lynn C.  
Nelson, Harold D.

Kilbride, Dennis J.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
White, Paul R.

Arnesen, Deborah L.  
Brown, Patricia B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Seanlan, David M.  
Wadsworth, Karen O.

Bean, Pamela B.  
Chambers, Mary P.  
Guest, Robert H.  
Mellwaine, Deborah P.  
Shackett, Ralph E.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Baldizar, Barbara J.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Dyer, Merton S.  
Green, Scott E.  
Hall, Betty B.  
Holden, Carol H.  
Kelley, Dana F.  
McCann, Bonnie Lou  
Moore, Elizabeth A.

Amidon, Eleanor H.  
Burke, Stephen J.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Johnson, Lionel W.  
Leclerc, Charles J.  
McDowell, James E.  
Murphy, Robert E.

Baker, George H., Sr.  
Clemons, Jane A.  
Desrochers, Gerard T.  
Durham, Susan B.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Jordan, Mary H.  
Lozeau, Donnalce M.  
Messier, Irene M.  
Nardi, Theodora P.



Packard, Bonnie B.  
Peters, Stanley W.  
Smith, Leonard A.  
White, John M.

Paquette, Rodolphe G.  
Pignatelli, Debora B.  
Stiles, Walter A.

Perham, Lester R.  
Robinson, Ellen-Ann  
Upton, Barbara A.

### MERRIMACK

Boucher, Laurent J.  
Chandler, Earle W.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Jacobson, Alf E.  
Kidder, William F.  
Lockwood, Robert A.  
Smith, Gerald R.  
Wallner, Mary Jane  
Yeaton, Charles B.

Braiterman, Thea  
Chandler, John P.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Jelley, Francis D.  
Letourneau, George E.  
Molner, Mary E.  
Teague, Bert  
Weeks, John F., Jr.

Carter, Susan D.  
Dunn, Miriam D.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Nichols, Avis B.  
Trombly, Rick A.  
Whittemore, James A.

### ROCKINGHAM

Bell, Juanita L.  
Caswell, Albert, Jr.  
Flanders, David A.  
Hoar, John, Jr.  
Kane, Cecelia D.  
Lovejoy, Virginia K.  
McGovern, Cynthia A.  
Schanda, Joseph, Sr.  
Sytek, Donna P.  
Tufts, Arthur

Benton, Richardson D.  
Clark, Martha Fuller  
Greene, Elizabeth A.  
Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
Pantelakos, Laura C.  
Skinner, Patricia M.  
Sytek, John J.  
Vaughn, Charles L.

Campbell, Marilyn R.  
Conroy, Janet M.  
Griebisch, Linda  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
Rosencrantz, James R.  
Splaine, John E., Sr.  
Terninko, Margaret B.  
Woods, Deborah L.

### STRAFFORD

Flynn, Edward J.  
Hashem, Elaine M.  
Kincaid, William K.  
McCann, William H., Jr.  
O'Brien, John  
Sullivan, Henry P.  
Wheeler, Katherine W.

Gilmore, Gary R.  
Jankowski, Peter M.  
Marston, Robert E.  
Merrill, Amanda A.  
Pelley, Janet R.  
Torr, Ann M.  
Young, John B.

Hambrick, Patricia A.  
Keans, Sandra B.  
Martling, W. Kent  
Musler, George T.  
Spencer, Leo J.  
Wall, Janet G.

### SULLIVAN

Allison, David C.  
Krueger, Richard H.  
Tetu, Michael A.

Behrens, Thomas A.  
Lindblade, Eric N.  
Walsh, Robert R.

Flint, Gordon B.  
Schotanus, Merle W.

and the substitute motion lost.

Re-referred to Committee.

Rep. Harland notified the Clerk that she wished to be recorded in opposition to HB 763.

Rep. Paquette notified the Clerk that he inadvertently voted nay and meant to vote yea.

### INTRODUCTION OF GUEST

U.S. Representative William Zeliff, Congressman from the 1st New Hampshire Congressional District, addressed the House.

### REGULAR CALENDAR (Continued)

**CACR 6**, relating to taxation of business income and revenue. Providing that taxes of any type may be imposed on the income or revenue of businesses. RE-REFER TO COMMITTEE.

The Committee would like more time to work on this proposed constitutional amendment to parallel Committee efforts to reform the Business Profits Tax. Vote 17-0. Rep. Douglass P. Teschner for Ways and Means.

Re-referred to Committee.

**CACR 9**, relating to revenue raised through a personal income tax. Providing that each year at least 75 percent of all general fund revenues resulting from any personal income tax be returned to the cities, towns, school districts, counties, and property taxpayers to assist in property tax relief. RE-REFER TO COMMITTEE.

The Committee feels that this proposal is worth deliberating and that it should be considered in the context of tax legislation that may be submitted. For that reason the Committee needs more time to study the subject. Vote 17-2. Rep. David M. LaMar for Ways and Means.

Rep. Scott Green spoke against.

Reps. LaMar and Donna Sytek spoke in favor and yielded to questions.

On a division vote, 285 members having voted in the affirmative and 64 in the negative, the CACR was re-referred to Committee.

**HB 336-FN-A**, relative to the definitions of "meal" and "restaurant" under the meals and rooms tax. OUGHT TO PASS WITH AMENDMENT.

This bill, as introduced, would have reestablished the controversial "snack tax" which is neither desirable nor constitutional. Instead, the Committee is using this bill as a vehicle to extend three tax increases scheduled to expire in June. The amendment continues the Real Estate Transfer Tax at \$5.25 per \$1,000; the Telecommunications Tax at 5 percent, and the Rooms and Meals Tax at 8 percent for the next biennium. Estimated revenue is \$30 million in FY '92 and \$31 million in FY '93. Vote 13-5. Rep. Donna P. Sytek for Ways and Means.

### Amendment

Amend the title of the bill by replacing it with the following:

### AN ACT

relative to the rates of certain state taxes.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of Tax for Biennium Ending June 30, 1993, Real Estate Transfer Tax. Notwithstanding the provisions of RSA 78-B:1, 1 and 1989, 416:4, for the period beginning July 1, 1991, and ending June 30, 1993, the rate of the tax is \$.525 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$21. The tax imposed shall be computed to the nearest whole dollar.

2 Rate of Tax for Biennium Ending June 30, 1993, Meals and Rooms Tax. Notwithstanding the provisions of RSA 78-A, the tax imposed under RSA 78-A:6 shall be imposed as follows for the period beginning July 1, 1991, and ending June 30, 1993:

- I. A tax of 8 percent of the rent is imposed upon each occupancy.
- II. A tax is imposed on taxable meals based upon the charge therefor as follows:
  - (a) Three cents for a charge between \$.36 and \$.37 inclusive;
  - (b) Four cents for a charge between \$.38 and \$.50 inclusive;
  - (c) Five cents for a charge between \$.51 and \$.62 inclusive;
  - (d) Six cents for a charge between \$.63 and \$.75 inclusive;
  - (e) Seven cents for a charge between \$.76 and \$.87 inclusive;
  - (f) Eight cents for a charge between \$.88 and \$1.00 inclusive;
  - (g) Eight percent of the charge for taxable meals over \$1.00, provided that fractions of cents shall be rounded up to the next whole cent.

3 Rate of Tax for Biennium Ending June 30, 1993, Communications Services Tax. For the period beginning July 1, 1991, and ending June 30, 1993, there is imposed a surcharge of 66-2/3 percent on the tax imposed under RSA 82-A:3 and 82-A:4 on the gross charge for communications services purchased at retail from a retailer.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

During the 1990 legislative session the rate of taxation was temporarily increased for the real estate transfer tax, the meals and rooms tax, and the communications services tax, for a period beginning on April 1, 1990, and ending on June 30, 1991.

This bill keeps increased rates for these taxes in place for the biennium ending June 30, 1993.

Rep. Donna Sytek requested that the amendment be divided.

The Speaker ruled that the amendment was divisible.

Section 1, Real Estate Transfer Tax.

Rep. Donna Sytek spoke in favor.

Rep. Braiterman spoke against.

Rep. Haettenschwiler spoke against and yielded to questions.

Rep. Hayes spoke in favor.

Roll call request sufficiently seconded.

The question being on Section 1, Real Estate Transfer Tax.

#### YEAS 214

#### NAYS 138

#### YEAS 214

#### BELKNAP

Bartlett, Gordon E.  
Holbrook, Robert G.  
Ziegra, Alice S.

Campbell, Richard H., Jr.  
Turner, Robert H.

Hawkins, Robert S.  
Vogler, Charles C.

#### CARROLL

Allard, Nanci A.  
Foster, Robert W.  
Wiggin, Allen R.

Beach, Mildred A.  
Jean, Robert R.  
Wiggin, Gordon E.

Dickinson, Howard C.  
Saunders, Howard N.

#### CHESHIRE

Clark, Eugene W.  
Doucette, Richard F.  
Hogan, James B.  
Laurent, John J.  
Perry, David M.

Cole, Stacey W.  
Feuer, Joseph N.  
Hunt, John B.  
Metzger, Katherine H.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Grodin, Richard A.  
LaMar, David M.  
Pearson, Gertrude B.

**COOS**

Brungot, Catherine V.  
Marsh, Beaton

Guay, Lawrence J.  
Merrill, Gerald P.

Horton, Lynn C.  
Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Driscoll, William J.  
McIlwaine, Deborah P.  
Shackett, Ralph E.  
Wadsworth, Karen O.  
White, Paul R.

Arnesen, Deborah L.  
Brown, Patricia B.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Christy, C. Dana  
Lougee, Richard W.  
Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Durham, Susan B.  
Fenton, James J.  
Fields, Dennis H.  
Greenglass, Alan B.  
Holden, Carol H.  
Kelley, Dana F.  
Lachut, Ervin R.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Perham, Lester R.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Vanderlosk, Stanley R.

Alukonis, David J.  
Arnold, Barbara E.  
Calawa, Leon, Jr.  
Desrosiers, William J.  
Dyer, Merton S.  
Ferguson, Charles  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Jasper, Shawn N.  
Kelley, Robert N.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Murphy, Robert E.  
Peters, Stanley W.  
Sallada, Roland A.  
Smith, Leonard A.  
Tate, Joan C.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Baker, George H., Sr.  
Chasse, Richard D.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Goulet, Maurice E.  
Healy, Daniel J.  
Jordan, Mary H.  
Kurk, Neal M.  
Lefebvre, Roland J.  
McDowell, James E.  
Messier, Irene M.  
Packard, Bonnie B.  
Record, Alice B.  
Schneiderat, Catherine A.  
Steiner, Lee Anne  
Upton, Barbara A.  
Wihby, Linda S.

**MERRIMACK**

Apple, Lowell D.  
Chandler, Earle W.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William  
Lockwood, Robert A.  
Stapleton, Henry F.  
Whittemore, James A.

Boucher, Laurent J.  
Chandler, John P.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Kidder, William F.  
Millard, Elizabeth S.  
Stio, Peter M.

Carter, Susan D.  
Daneault, Gabriel J.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Hoimes, Mary C.  
Lewis, Mary Ann  
Nichols, Avis B.  
Teague, Bert

**ROCKINGHAM**

Barnes, John S., Jr.  
Caswell, Albert, Jr.  
Coffey, John J.  
Cote, Patricia L.  
Felch, Charles H., Sr.  
Greene, Elizabeth A.

Benton, Richardson D.  
Christie, Andrew, Jr.  
Connell, David R.  
Dowd, Sandra K.  
Flanders, Harry E.  
Hoar, John, Jr.

Campbell, Marilyn R.  
Chulack, Peter G., Sr.  
Conroy, Janet M.  
Dube, LeRoy S.  
Flanders, John W., Sr.  
Hoelzel, Kathleen M.



Hurst, Sharleene P.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Vaughn, Charles L.  
 Weyler, Kenneth L.

Hutchinson, Karen K.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Seward, Russell G.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Warburton, Calvin  
 Woods, Deborah L.

Hynes, Carolyn E.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Packard, Sherman A.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Welch, David A.

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Keans, Sandra B.  
 Martling, W. Kent  
 Parks, Joe B.  
 Torr, Ralph W.  
 Young, John B.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Frechette, Roland A.  
 Kincaid, William K.  
 Musler, George T.  
 Sullivan, Henry P.  
 Wall, Janet G.

Brown, Julie M.  
 Flynn, Edward J.  
 Gilmore, Gary R.  
 Kinney, Paula J.  
 Nehring, William H.  
 Torr, Ann M.  
 Wheeler, Katherine W.

### SULLIVAN

Behrens, Thomas A.  
 Harland, Jane A.  
 Peyron, Fredrik

Domini, Irene C.  
 Krueger, Richard H.  
 Rodeschin, Beverly T.

Flint, Gordon B.  
 Middleton, John A.  
 Schotanus, Merle W.

### NAYS 138

### BELKNAP

Golden, Paul A.  
 Maviglio, Steven R.  
 Salatiello, Thomas B.

Johnson, Carl R.  
 Rice, Thomas E. P., Jr.  
 Shibley, Arnold P.

Joscelyn, William W.  
 Rosen, Ralph J.

### CARROLL

Bradley, Jeb E.

Daly, Robert J., Jr.

Dodge, A. Gibb, Jr.

### CHESHIRE

Burnham, Daniel M.  
 DePecol, Benjamin J.  
 Kingsbury, H. Thayer  
 Spear, Susan S.

Champagne, Richard L.  
 Foster, Katherine D.  
 Lynch, Margaret A.

Cole, Kenneth A.  
 Kennison, Wayne A.  
 Pratt, Irene A.

### COOS

Coulombe, Henry W.  
 Mayhew, Josephine  
 Theriault, Romeo J.

Hawkinson, Marie C.  
 Oliver, Terry D.

Kilbride, Dennis J.  
 Pratt, Leighton C.

### GRAFTON

Chambers, Mary P.  
 Guest, Robert H.

Copenhaver, Marion L.  
 Markley, J. Keith

Dow, David  
 Nordgren, Sharon L.

**HILLSBOROUGH**

Baldizar, Barbara J.  
 Buckley, Raymond  
 Cook, Valerie S.  
 Daigle, Robert A.  
 Dodge, Emma M.  
 Drabinowicz, A. Theresa  
 Gage, Ruth E.  
 Green, Scott E.  
 Hanselman, Gregory L.  
 Jean, Romeo W.  
 Kuchinski, Steve  
 Laughlin, J. Francis  
 Lozeau, Donnalee M.  
 O'Rourke, Joanne A.  
 Pepino, Leo P.  
 Rheault, Lillian I.  
 Soucy, Donna M.  
 Wright, George W.

Baroody, Benjamin C.  
 Burke, Stephen J.  
 Cote, David E.  
 Daniels, Gary L.  
 Domaingue, Jacquelyn M.  
 Dwyer, Patricia R.  
 Gagnon, Gabrielle V.  
 Haettenschwiller, Alphonse  
 Healy, Walter F.  
 Johnson, Lionel W.  
 L'Heureux, Robert J.  
 Lawrence, Norman B.  
 Mc Nerney, Daniel P.  
 Ouellette, Robert O.  
 Pignatelli, Debora B.  
 Riley, Frances L.  
 Turgeon, Roland M.

Bourque, Ann J.  
 Clemons, Jane A.  
 Crotty, Edward J.  
 Desrochers, Gerard T.  
 Donovan, Francis X.  
 Elliott, Larry G.  
 Gosselin, Gerald O.  
 Hall, Betty B.  
 Hultgren, David D.  
 Keane, Cornelius J.  
 Larochelle, Roger B.  
 Leclerc, Charles J.  
 Nardi, Theodora P.  
 Paquette, Rodolphe G.  
 Reidy, Frank J.  
 Rothhaus, Finlay C.  
 White, John M.

**MERRIMACK**

Barberia, Richard A.  
 Dunn, Miriam D.  
 Johnson, Joyce M.  
 Smith, Gerald R.  
 Wallner, Mary Jane

Braiterman, Thea  
 Jacobson, Alf E.  
 Letourneau, George E.  
 Soldati, Jennifer G.  
 Weeks, John F., Jr.

Christie, Thomas J.  
 Jelley, Francis D.  
 Molner, Mary E.  
 Trombly, Rick A.  
 Yeaton, Charles B.

**ROCKINGHAM**

Bell, Juanita L.  
 Clark, Martha Fuller  
 Drake, Herbert R.  
 Griebisch, Linda  
 MacKinnon, Nancy W.  
 Pantelakos, Laura C.  
 Rubin, George R.  
 Terninko, Margaret B.

Boucher, William P.  
 DiPietro, Carmela M.  
 Flanders, David A.  
 Kane, Cecelia D.  
 McGovern, Cynthia A.  
 Rosencrantz, James R.  
 Schanda, Joseph, Sr.

Buco, Stephen W.  
 Dowling, Patricia A.  
 Ford, Bert H.  
 MacDonald, Joseph A.  
 Melnick, Roy E.  
 Roulston, Donald L.  
 Splaine, John E., Sr.

**STRAFFORD**

Hambrick, Patricia A.  
 Marston, Robert E.  
 O'Brien, John  
 Spencer, Leo J.

Hashem, Elaine M.  
 McCann, William H., Jr.  
 Pageotte, Donald P.  
 Vincent, Francis C.

Jankowski, Peter M.  
 Merrill, Amanda A.  
 Pelley, Janet R.

**SULLIVAN**

Allison, David C.  
 Walsh, Robert R.

Lindblade, Eric N.

Tetu, Michael A.

and Section 1 was adopted.

Section 2, Meals and Rooms Tax.

Rep. Ahrens spoke in favor.

Rep. Chambers spoke against.

Roll call request sufficiently seconded.

The question being on Section 2, Meals and Rooms Tax.

**YEAS 201****NAYS 152****YEAS 201  
BELKNAP**

Bartlett, Gordon E.  
Hawkins, Robert S.  
Rosen, Ralph J.  
Ziegra, Alice S.

Cain, Thomas G.  
Holbrook, Robert G.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Dickinson, Howard C.  
Saunders, Howard N.

Beach, Mildred A.  
Foster, Robert W.  
Wiggin, Allen R.

Bradley, Jeb E.  
Jean, Robert R.  
Wiggin, Gordon E.

**CHESHIRE**

Cole, Stacey W.  
Grodin, Richard A.  
LaMar, David M.  
Pearson, Gertrude B.

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Perry, David M.

Feuer, Joseph N.  
Hunt, John B.  
Metzger, Katherine H.  
Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Nelson, Harold D.

Coulombe, Henry W.  
Marsh, Beaton  
Pratt, Leighton C.

Guay, Lawrence J.  
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Hill, Richard L.  
McIlwaine, Deborah P.  
Shackett, Ralph E.  
Wadsworth, Karen O.  
White, Paul R.

Bean, Pamela B.  
Christy, C. Dana  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Ward, Kathleen W.

Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.  
Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Desrosiers, William J.  
Durham, Susan B.  
Ferguson, Charles  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Kelley, Dana F.  
Lachut, Ervin R.  
Mason, Howard F.  
Mercer, Robert S.  
Murphy, Robert E.  
Peters, Stanley W.

Alukonis, David J.  
Arnold, Barbara E.  
Chasse, Richard D.  
Donovan, Francis X.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Goulet, Maurice E.  
Healy, Daniel J.  
Kelley, Robert N.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Messier, Irene M.  
Packard, Bonnie B.  
Record, Alice B.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Drolet, Paul L.  
Fenton, James J.  
Fields, Dennis H.  
Greenglass, Alan B.  
Holden, Carol H.  
Kurk, Neal M.  
Lefebvre, Roland J.  
McRae, Karen K.  
Moore, Elizabeth A.  
Perham, Lester R.  
Robinson, Ellen-Ann

Sallada, Roland A.  
Smith, Leonard A.  
Tate, Joan C.  
Vanderlosk, Stanley R.

Schneiderat, Catherine A.  
Steiner, Lee Anne  
Turgeon, Roland M.  
Wheeler, Robert L.

Searles, Stanley N., Sr.  
Stiles, Walter A.  
Upton, Barbara A.  
Wihby, Linda S.

### MERRIMACK

Apple, Lowell D.  
Chandler, Earle W.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Kidder, William F.  
Millard, Elizabeth S.  
Stio, Peter M.

Boucher, Laurent J.  
Chandler, John P.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Lewis, Mary Ann  
Nichols, Avis B.  
Teague, Bert

Carter, Susan D.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William  
Lockwood, Robert A.  
Stapleton, Henry F.  
Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
Christie, Andrew, Jr.  
Connell, David R.  
DiPietro, Carmela M.  
Felch, Charles H., Sr.  
Greene, Elizabeth A.  
Hurst, Sharleene P.  
Keith, Brenda E.  
Lovejoy, Virginia K.  
McCain, William F.  
Packard, Sherman A.  
Skinner, Patricia M.  
Sytek, John J.  
Vaughn, Charles L.

Benton, Richardson D.  
Chulack, Peter G., Sr.  
Conroy, Janet M.  
Dowd, Sandra K.  
Flanders, Harry E.  
Hoar, John, Jr.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Seward, Russell G.  
Smith, Arthur W.  
Thayer, Leroy C.

Campbell, Marilyn R.  
Coffey, John J.  
Cote, Patricia L.  
Dube, LeRoy S.  
Flanders, John W., Sr.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Simon, Peter M.  
Sytek, Donna P.  
Tufts, Arthur

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Frechette, Roland A.  
Kinney, Paula J.  
Nehring, William H.  
Torr, Ann M.

Bickford, Drucilla  
Flynn, Edward J.  
Keans, Sandra B.  
Martling, W. Kent  
Pageotte, Donald P.  
Wheeler, Katherine W.

Brown, Julie M.  
Foss, Patricia H.  
Kincaid, William K.  
Musler, George T.  
Parks, Joe B.  
Young, John B.

### SULLIVAN

Behrens, Thomas A.  
Middleton, John A.  
Schotanus, Merle W.

Domini, Irene C.  
Peyron, Fredrik

Krueger, Richard H.  
Rodeschin, Beverly T.

### NAYS 152 BELKNAP

Accornero, Harry  
Joscelyn, William W.  
Shibley, Arnold P.

Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Zaharchuk, Peter J., Jr.

Johnson, Carl R.  
Salatiello, Thomas B.

### CARROLL

Daly, Robert J., Jr.

Dodge, A. Gibb, Jr.



**CHESHIRE**

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kennison, Wayne A.  
Pratt, Irene A.

Champagne, Richard L.  
Doucette, Richard F.  
Kingsbury, H. Thayer  
Spear, Susan S.

Clark, Eugene W.  
Foster, Katherine D.  
Lynch, Margaret A.

**COOS**

Hawkinson, Marie C.  
Oliver, Terry D.

Kilbride, Dennis J.  
Therault, Romeo J.

Mayhew, Josephine

**GRAFTON**

Arnesen, Deborah L.  
Dow, David  
Nordgren, Sharon L.

Chambers, Mary P.  
Guest, Robert H.

Copenhaver, Marion L.  
Markley, J. Keith

**HILLSBOROUGH**

Baker, George H., Sr.  
Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Emerton, Lawrence A.  
Gosselin, Gerald O.  
Hall, Betty B.  
Hultgren, David D.  
Johnson, Lionel W.  
Kuchinski, Steve  
Laughlin, J. Francis  
McDowell, James E.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Rheault, Lillian I.  
Soucy, Donna M.

Baldizar, Barbara J.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Dodge, Emma M.  
Dwyer, Patricia R.  
Gage, Ruth E.  
Green, Scott E.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Jordan, Mary H.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
McNerney, Daniel P.  
Ouellette, Robert O.  
Pignatelli, Debora B.  
Riley, Frances L.  
White, John M.

Baroody, Benjamin C.  
Burke, Stephen J.  
Cote, David E.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Jean, Romeo W.  
Keane, Cornelius J.  
Larochelle, Roger B.  
Leclerc, Charles J.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Wright, George W.

**MERRIMACK**

Barberia, Richard A.  
Daneault, Gabriel J.  
Jelley, Francis D.  
Molner, Mary E.  
Trombly, Rick A.  
Yeaton, Charles B.

Braiterman, Thea  
Dunn, Miriam D.  
Johnson, Joyce M.  
Smith, Gerald R.  
Wallner, Mary Jane

Christie, Thomas J.  
Jacobson, Alf E.  
Letourneau, George E.  
Soldati, Jennifer G.  
Weeks, John F., Jr.

**ROCKINGHAM**

Bell, Juanita L.  
Caswell, Albert, Jr.  
Drake, Herbert R.  
Gribsch, Linda  
Kane, Cecelia D.  
McGovern, Cynthia A.

Boucher, William P.  
Clark, Martha Fuller  
Flanders, David A.  
Hutchinson, Karen K.  
MacDonald, Joseph A.  
Melnick, Roy E.

Buco, Stephen W.  
Dowling, Patricia A.  
Ford, Bert H.  
Hynes, Carolyn E.  
MacKinnon, Nancy W.  
Pantelakos, Laura C.

Raynowska, Bernard J.  
 Rubin, George R.  
 Terninko, Margaret B.  
 Weyler, Kenneth L.

Rosencrantz, James R.  
 Schanda, Joseph, Sr.  
 Warburton, Calvin  
 Woods, Deborah L.

Roulston, Donald L.  
 Splaine, John E., Sr.  
 Welch, David A.

### STRAFFORD

Gilmore, Gary R.  
 Jankowski, Peter M.  
 Merrill, Amanda A.  
 Spencer, Leo J.  
 Vincent, Francis C.

Hambrick, Patricia A.  
 Marston, Robert E.  
 O'Brien, John  
 Sullivan, Henry P.  
 Wall, Janet G.

Hashem, Elaine M.  
 McCann, William H., Jr.  
 Pelley, Janet R.  
 Torr, Ralph W.

### SULLIVAN

Allison, David C.  
 Lindblade, Eric N.

Flint, Gordon B.  
 Tetu, Michael A.

Harland, Jane A.  
 Walsh, Robert R.

and Section 2 was adopted.

Rep. Lozeau abstained from voting under Rule 16.

Section 3, Communications Services Tax.

Rep. Cowenhoven spoke in favor and yielded to questions.

Reps. Thomas Christie and Spear spoke against.

Rep. Donna Sytek spoke in favor.

Roll call request sufficiently seconded.

The question being on Section 3, Communications Services Tax.

### YEAS 198

### NAYS 159

### YEAS 198

### BELKNAP

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Turner, Robert H.

Cain, Thomas G.  
 Holbrook, Robert G.  
 Vogler, Charles C.

Campbell, Richard H., Jr.  
 Rosen, Ralph J.  
 Ziegler, Alice S.

### CARROLL

Allard, Nanci A.  
 Chandler, Gene G.  
 Foster, Robert W.  
 Wiggin, Allen R.

Beach, Mildred A.  
 Dickinson, Howard C.  
 Jean, Robert R.  
 Wiggin, Gordon E.

Bradley, Jeb E.  
 Dodge, A. Gibb, Jr.  
 Saunders, Howard N.

### CHESHIRE

Cole, Kenneth A.  
 Feuer, Joseph N.  
 Hunt, John B.  
 Metzger, Katherine H.  
 Sawyer, Alfred P.

Cole, Stacey W.  
 Grodin, Richard A.  
 LaMar, David M.  
 Pearson, Gertrude B.

Crutchley, Donald O.  
 Hogan, James B.  
 Laurent, John J.  
 Perry, David M.

### COOS

Brungot, Catherine V.  
 Marsh, Beaton

Guay, Lawrence J.  
 Merrill, Gerald P.

Horton, Lynn C.  
 Nelson, Harold D.

**GRAFTON**

|                         |                       |                        |
|-------------------------|-----------------------|------------------------|
| Adams, Carl S.          | Bean, Pamela B.       | Brown, Channing T.     |
| Brown, Patricia B.      | Christy, C. Dana      | Driscoll, William J.   |
| Hill, Richard L.        | LaMott, Paul I.       | Larson, Nils H., Jr.   |
| Lougee, Richard W.      | McIlwaine, Deborah P. | Nielsen, Niels F., Jr. |
| Scanlan, David M.       | Shackett, Ralph E.    | Teschner, Douglass P.  |
| Trelfa, Richard T.      | Wadsworth, Karen O.   | Ward, Kathleen W.      |
| Whitcomb, Henry F., Jr. |                       |                        |

**HILLSBOROUGH**

|                           |                          |                       |
|---------------------------|--------------------------|-----------------------|
| Ahrens, Frederick G.      | Alukonis, David J.       | Amidon, Eleanor H.    |
| Andrews, Frederick B.     | Arnold, Barbara E.       | Baker, George H., Sr. |
| Bowers, Dorothy C.        | Calawa, Leon, Jr.        | Chasse, Richard D.    |
| Cowenhoven, Garret P.     | Desrosiers, William J.   | Durham, Susan B.      |
| Dyer, Merton S.           | Elliott, Larry G.        | Emerton, Lawrence A.  |
| Fenton, James J.          | Ferguson, Charles        | Ferlan, Arthur P.     |
| Fields, Dennis H.         | Gagnon, Eugene L.        | Goulet, Maurice E.    |
| Greenglass, Alan B.       | Gureckis, Adam C., Sr.   | Holden, Carol H.      |
| Jasper, Shawn N.          | Kelley, Dana F.          | Kelley, Robert N.     |
| Kurk, Neal M.             | Lawrence, Eva M.         | Lefebvre, Roland J.   |
| Mason, Howard F.          | McCann, Bonnie Lou       | McRae, Karen K.       |
| Mercer, Robert S.         | Messier, Irene M.        | Moore, Elizabeth A.   |
| Packard, Bonnie B.        | Perham, Lester R.        | Peters, Stanley W.    |
| Record, Alice B.          | Robinson, Ellen-Ann      | Sallada, Roland A.    |
| Schneiderat, Catherine A. | Searles, Stanley N., Sr. | Smith, Leonard A.     |
| Steiner, Lee Anne         | Stiles, Walter A.        | Tate, Joan C.         |
| Vanderlosk, Stanley R.    | Wheeler, Robert L.       | Wihby, Linda S.       |

**MERRIMACK**

|                       |                      |                     |
|-----------------------|----------------------|---------------------|
| Apple, Lowell D.      | Boucher, Laurent J.  | Carter, Susan D.    |
| Chandler, Earle W.    | Chandler, John P.    | Fair, Patricia A.   |
| Fillion, Paul R.      | Gilbreth, Robert M.  | Gross, Caroline L.  |
| Hager, Elizabeth S.   | Hall, Douglas E.     | Hayes, Robert C.    |
| Hill, Michael J.      | Holmes, Mary C.      | Johnson, C. William |
| Kidder, William F.    | Lewis, Mary Ann      | Lockwood, Robert A. |
| Millard, Elizabeth S. | Nichols, Avis B.     | Stapleton, Henry F. |
| Stio, Peter M.        | Whittemore, James A. |                     |

**ROCKINGHAM**

|                        |                        |                         |
|------------------------|------------------------|-------------------------|
| Barnes, John S., Jr.   | Benton, Richardson D.  | Campbell, Marilyn R.    |
| Chulack, Peter G., Sr. | Coffey, John J.        | Connell, David R.       |
| Conroy, Janet M.       | Cote, Patricia L.      | DiPietro, Carmela M.    |
| Dowd, Sandra K.        | Felch, Charles H., Sr. | Flanders, Harry E.      |
| Flanders, John W., Sr. | Greene, Elizabeth A.   | Hoelzel, Kathleen M.    |
| Hurst, Sharleene P.    | Hynes, Carolyn E.      | Johnson, Robert A.      |
| Katsakiores, George N. | Keith, Brenda E.       | Klemarczyk, Thaddeus E. |
| Klemm, Arthur P., Jr.  | Magoon, Harold F.      | Malcolm, Kenneth W.     |
| McCain, William F.     | McCarthy, John J., Jr. | McKinney, Betsy         |
| Packard, Sherman A.    | Raynowska, Bernard J.  | Roulston, Donald L.     |

Seward, Russell G.  
Smith, Arthur W.  
Thayer, Leroy C.  
Welch, David A.

Simon, Peter M.  
Sytek, Donna P.  
Tufts, Arthur  
Weyler, Kenneth L.

Skinner, Patricia M.  
Sytek, John J.  
Vaughn, Charles L.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Frechette, Roland A.  
Martling, W. Kent  
Parks, Joe B.

Bickford, Drucilla  
Flynn, Edward J.  
Keans, Sandra B.  
Musler, George T.  
Torr, Ann M.

Brown, Julie M.  
Foss, Patricia H.  
Kinney, Paula J.  
Nehring, William H.  
Young, John B.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Peyron, Fredrik  
Stamatakis, Carol M.

Domini, Irene C.  
Lindblade, Eric N.  
Rodeschin, Beverly T.

Flint, Gordon B.  
Middleton, John A.  
Schotanus, Merle W.

### NAYS 159

#### BELKNAP

Accornero, Harry  
Joscelyn, William W.  
Salatiello, Thomas B.

Golden, Paul A.  
Maviglio, Steven R.  
Shibley, Arnold P.

Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Zaharchuk, Peter J., Jr.

### CARROLL

Daly, Robert J., Jr.

### CHESHIRE

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kennison, Wayne A.  
Pratt, Irene A.

Champagne, Richard L.  
Doucette, Richard F.  
Kingsbury, H. Thayer  
Spear, Susan S.

Clark, Eugene W.  
Foster, Katherine D.  
Lynch, Margaret A.

### COOS

Coulombe, Henry W.  
Mayhew, Josephine  
Therault, Romeo J.

Hawkinson, Marie C.  
Oliver, Terry D.

Kilbride, Dennis J.  
Pratt, Leighton C.

### GRAFTON

Arnesen, Deborah L.  
Dow, David  
Nordgren, Sharon L.

Chambers, Mary P.  
Guest, Robert H.  
White, Paul R.

Copenhaver, Marion L.  
Markley, J. Keith

### HILLSBOROUGH

Baldizar, Barbara J.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Green, Scott E.  
Hanselman, Gregory L.  
Hultgren, David D.

Baroody, Benjamin C.  
Burke, Stephen J.  
Cote, David E.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Jean, Romeo W.

Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Gosselin, Gerald O.  
Hall, Betty B.  
Healy, Walter F.  
Johnson, Lionel W.



Jordan, Mary H.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
Murphy, Robert E.  
Ouellette, Robert O.  
Pignatelli, Debora B.  
Riley, Frances L.  
Turgeon, Roland M.  
Wright, George W.

Keane, Cornelius J.  
Lachut, Ervin R.  
Lawrence, Norman B.  
McDowell, James E.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Upton, Barbara A.

Kuchinski, Steve  
Larochele, Roger B.  
Leclerc, Charles J.  
McNerney, Daniel P.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Rheault, Lillian I.  
Soucy, Donna M.  
White, John M.

### MERRIMACK

Barberia, Richard A.  
Daneault, Gabriel J.  
Jelley, Francis D.  
Molner, Mary E.  
Teague, Bert  
Weeks, John F., Jr.

Braiterman, Thea  
Dunn, Miriam D.  
Johnson, Joyce M.  
Smith, Gerald R.  
Trombly, Rick A.  
Yeaton, Charles B.

Christie, Thomas J.  
Jacobson, Alf E.  
Letourneau, George E.  
Soldati, Jennifer G.  
Wallner, Mary Jane

### ROCKINGHAM

Bell, Juanita L.  
Caswell, Albert, Jr.  
Drake, Herbert R.  
Ford, Bert H.  
Hutchinson, Karen K.  
MacKinnon, Nancy W.  
Palazzo, Frank J.  
Rubin, George R.  
Terninko, Margaret B.

Boucher, William P.  
Clark, Martha Fuller  
Dube, LeRoy S.  
Griebsch, Linda  
Kane, Cecelia D.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Schanda, Joseph, Sr.  
Warburton, Calvin

Buco, Stephen W.  
Dowling, Patricia A.  
Flanders, David A.  
Hoar, John, Jr.  
MacDonald, Joseph A.  
Melnick, Roy E.  
Rosencrantz, James R.  
Splaine, John E., Sr.  
Woods, Deborah L.

### STRAFFORD

Gilmore, Gary R.  
Jankowski, Peter M.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Wall, Janet G.

Hambrick, Patricia A.  
Kincaid, William K.  
Merrill, Amanda A.  
Pelley, Janet R.  
Torr, Ralph W.  
Wheeler, Katherine W.

Hashem, Elaine M.  
Marston, Robert E.  
O'Brien, John  
Spencer, Leo J.  
Vincent, Francis C.

### SULLIVAN

Allison, David C.  
Walsh, Robert R.

Harland, Jane A.

Tetu, Michael A.

and Section 3 was adopted.

Section 4, Effective Date.

Adopted.

Report adopted.

Ordered to third reading.

### RESOLUTION

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles

of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 2, 1991 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 660-FN-A**, establishing a highway and bridge betterment program and making an appropriation therefor.

**HB 336-FN-A**, relative to the rates of certain state taxes

Rep. Michael Hill moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 3:40 p.m.

### RECESS

(Deputy Speaker Michael Hill in the Chair)

#### ENROLLED BILLS REPORT

**HB 50**, relative to state revenue and expenditures.

**HB 593**, relative to the rate of the business profits tax.

Rep. Dunn, Sen. Currier  
for the Committee

### RESOLUTION

Rep. Gross offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 4, 5, 9, 11, 14, 16, 19-22, 24-27, 29, 37, 38, 40, 41, 43, 47, 49, 52, 55, 57, 59, 61, 64, 67, 68, 74-76, 78, 79, 81-83, 85-87, 89, 91, 96, 97, 100-102, 106, 107, 109, 110, 112, 114, 115, 118, 122, 125, 129, 132, 134, 135, 138, 139, 140, 146, 149, 150, 152-155, 157-161, 167, 169, 171, 172, 178, 180-186, 189-191, 195, 196, 202, 205, 206, 208, 209, 212, 214, 222, 223, 225, 228, 229 and Senate Concurrent Resolutions 1, 2 and 3 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS and SCRs

#### First, second reading and referral

**SB 4-FN-A**, establishing a committee to study the New Hampshire state port authority. (Public Works)

**SB 5-FN**, relative to Skyhaven airport. (Executive Departments and Administration)

**SB 9-FN**, relative to a study of interactions between the mental health and criminal justice systems. (Judiciary)

**SB 11-A**, appropriating funds for a new courthouse in Rockingham county. (Public Works)

**SB 14-A**, relative to environmental and engineering studies and acquisition of rights-of-way for the construction of a truck lane on United States Route 2 in Jefferson, New Hampshire, and making an appropriation therefor. (Public Works)

**SB 16-FN**, relative to the board of dental examiners. (Executive Departments and Administration)

**SB 19-FN**, establishing penalties and fines for use of blue lights by any person other than a certified police officer. (Public Protection and Veterans Affairs)

**SB 20-FN**, establishing a committee to study the licensure of dietitians and nutritionists. (Executive Departments and Administration)

**SB 21**, establishing a commission to study and recommend the elimination of state-mandated programs. (Legislative Administration)

**SB 22**, relative to changes in reimbursement requirements for psychologists. (Commerce, Small Business and Consumer Affairs)

**SB 24**, relative to revising the administrative procedure act. (Executive Departments and Administration)

**SB 25-FN**, relative to obtaining out-of-state driving records. (Transportation)

**SB 26-FN**, relative to licenses to carry firearms. (Public Protection and Veterans Affairs)

**SB 27-FN**, relative to extended terms of imprisonment for assault crimes where the victim is a law enforcement officer. (Judiciary)

**SB 37**, relative to amending provisions of the voluntary corporation statute. (Commerce, Small Business and Consumer Affairs)

**SB 38-FN-A**, exempting interest earned by investors in certain mutual funds from the interest and dividend tax. (Ways and Means)

**SB 40**, making the pink lady's slipper the state wildflower. (Environment and Agriculture)

**SB 41-A**, relative to the construction of a fire training academy for New Hampshire fire fighters and making an appropriation therefor, and relative to motor vehicle records fees. (Public Works)

**SB 43-FN**, establishing a committee to study utilization and management review and managed care. (Commerce, Small Business and Consumer Affairs)

**SB 47**, relative to emergency response personnel. (Health, Human Services and Elderly Affairs)

**SB 49**, relative to alternate zoning board of adjustment members. (Municipal and County Government)

**SB 52**, changing the name of the Federal Home Loan Bank Board to the Office of Thrift Supervision. (Commerce, Small Business and Consumer Affairs)

**SB 55-A**, relative to replacing the Warren Bridge on New Hampshire Route 25. (Public Works)

**SB 57-FN**, relative to the review of New Hampshire corporate laws. (Commerce, Small Business and Consumer Affairs)

**SB 59-FN**, relative to a state-sponsored credit card program. (Commerce, Small Business and Consumer Affairs)

**SB 61-FN**, relative to speedy payments for the care of children in foster homes. (Appropriations)

**SB 64-A**, relative to the superior courthouse in Nashua and making an appropriation therefor. (Appropriations)

**SB 67-FN**, relative to establishing a study committee to study the feasibility of revising the school building aid formula. (Education)

**SB 68-FN**, relative to the transportation of animals in open trucks. (Transportation)

**SB 74-FN**, establishing a committee to study the use of funds appropriated for catastrophic illness care. (Labor, Industrial and Rehabilitative Services)

**SB 75**, relative to bargaining rights for state employees. (Executive Departments and Administration)

**SB 76**, relative to the age requirement for retirement communities. (State Institutions and Housing)

**SB 78-FN**, relative to loans to municipalities from state revolving loan funds. (Public Works)

**SB 79-FN**, establishing a committee to study an expedited permit process for environmental permits. (Resources, Recreation and Development)

**SB 81**, relative to damages for wrongful death. (Judiciary)

**SB 82**, relative to powers of directors, officers, and trustees of health service corporations. (Commerce, Small Business and Consumer Affairs)

**SB 83**, relative to the investment of public funds. (Commerce, Small Business and Consumer Affairs)

**SB 85-FN**, relative to women's sports. (Education)

**SB 86-FN**, to create low salt districts within the state highway system. (Resources, Recreation and Development)

**SB 87-FN**, relative to replacement employees. (Labor, Industrial and Rehabilitative Services)

**SB 89**, relative to school district planning committees. (Education)

**SB 91**, relative to the disclosure of discoverable materials in product liability actions. (Judiciary)

**SB 96**, relative to adoption. (Children, Youth and Juvenile Justice)

**SB 97**, relative to administrative rules and state mandates. (Executive Departments and Administration)

**SB 100-FN**, relative to simulcast wagering. (Regulated Revenues)

**SB 101-FN**, establishing a study committee relative to the industrial development authority. (Commerce, Small Business and Consumer Affairs)

**SB 102-FN**, authorizing the bank commissioner to establish and administer a public deposit investment pool. (Commerce, Small Business and Consumer Affairs)

**SB 106-FN**, relative to anatomical gifts. (Transportation)

**SB 107-FN**, relative to tenants' security deposits. (State Institutions and Housing)

**SB 109-FN**, relative to the time for holding the 1991 Newmarket town meeting. (Municipal and County Government)

**SB 110-FN**, relative to protection of first amendment rights of students. (Judiciary)

**SB 112-FN**, relative to license plates for firefighters. (Transportation)

**SB 114-FN**, requiring a report on certain water laws. (Resources, Recreation and Development)

**SB 115-FN**, relative to livestock. (Municipal and County Government)

**SB 118-FN**, relative to the department of revenue administration. (Municipal and County Government)

**SB 122-FN**, exempting certain solid waste districts from application fees. (Environment and Agriculture)

**SB 125-FN**, relative to child abuse and neglect proceedings. (Children, Youth and Juvenile Justice)

**SB 129-FN**, establishing a study committee on sale and distribution of cigarettes. (Ways and Means)

**SB 132-FN**, establishing a committee to study an early warning system for monitoring licensed nuclear power plants. (Science, Technology and Energy)

**SB 134-FN**, relative to a public recreation revolving fund. (Municipal and County Government)

**SB 135-FN**, relative to recovering costs, fees, and expenses in certain takeovers of utilities. (Science, Technology and Energy)



**SB 138-FN**, establishing a committee to study the bidding process on state construction projects. (Public Works)

**SB 139-FN**, relative to preventing damage to underground utility installations. (Science, Technology and Energy)

**SB 140-FN**, establishing a committee to study rate setting for certain services, placements, and programs. (Children, Youth and Juvenile Justice)

**SB 146**, relative to equipment and instruction programs for revolving funds for regional vocational centers. (Education)

**SB 149-FN-A**, relative to reimbursing a certain school cooperative for certain expenses and making an appropriation therefor. (Education)

**SB 150**, relative to partnerships and relative to foreclosures. (Commerce, Small Business and Consumer Affairs)

**SB 152**, relative to a joint New Hampshire-Quebec trade council. (State-Federal Relations)

**SB 153**, relative to licensing of pharmacists. (Executive Departments and Administration)

**SB 154-FN**, relative to the jurisdiction of state police employees. (Judiciary)

**SB 155**, relative to mechanics' liens. (Commerce, Small Business and Consumer Affairs)

**SB 157-FN**, relative to bingo. (Regulated Revenues)

**SB 158**, relative to advanced registered nurse practitioners. (Executive Departments and Administration)

**SB 159-FN**, relative to posting of public documents in licensed health facilities and health care facilities. (Health, Human Services and Elderly Affairs)

**SB 160**, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. (Commerce, Small Business and Consumer Affairs)

**SB 161**, relative to meetings of community associations. (State Institutions and Housing)

**SB 167-FN**, establishing a committee to study the sequencing of the central turnpike projects. (Public Works)

**SB 169**, prohibiting steel leg traps. (Fish and Game)

**SB 171-FN**, relative to discrimination in the workplace. (Labor, Industrial and Rehabilitative Services)

**SB 172-FN-A**, establishing a committee to study the board and care rates for residents of enhanced family care facilities. (Appropriations)

**SB 178**, transferring certain account balances to the joint legislative account. (Appropriations)

**SB 180-FN**, relative to the hearings process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals. (Municipal and County Government)

**SB 181-FN**, relative to the number of winner take all bingo games allowed on one game date. (Regulated Revenues)

**SB 182-FN**, relative to the division of information services. (Science, Technology and Energy)

**SB 183-FN**, relative to the Lamprey Regional Solid Waste Cooperative. (Environment and Agriculture)

**SB 184-FN**, relative to voter registration. (Constitutional and Statutory Revision)

**SB 185-FN**, relative to liquor licenses for caterers and allowing caterers to subcontract the cooking, preparing, and serving of food. (Regulated Revenues)

**SB 186-FN**, establishing a committee to study household hazardous waste. (Environment and Agriculture)

**SB 189-FN**, allowing raffles to be conducted at the same place as bingo games. (Regulated Revenues)

**SB 190-FN**, establishing a committee to study insurance coverage for infertility. (Commerce, Small Business and Consumer Affairs)

**SB 191-FN**, relative to fines and to loss of driver's license and plates for court defaults. (Transportation)

**SB 195-FN**, relative to campaign expenditure limitations. (Constitutional and Statutory Revision)

**SB 196-FN**, relative to administrative revocation of motor vehicle licenses of persons under age 21. (Transportation)

**SB 202-FN**, relative to due process in the liquor commission's proceedings. (Regulated Revenues)

**SB 205-FN**, establishing a committee to study the enforcement of RSA 205-A. (State Institutions)

**SB 206-FN**, relative to liquor licenses for caterers. (Regulated Revenues)

**SB 208-FN**, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents. (Ways and Means)

**SB 209-FN**, relative to issuance of a notice or citation by the probate court to a court-appointed fiduciary for failure to file an inventory or an account of administration and to requirements for notice to beneficiaries. (Judiciary)

**SB 212-FN-A**, establishing a committee to study the method of sweepstakes revenue distribution. (Education)

**SB 214-FN**, exempting specialized programs or equipment of the Christa McAuliffe planetarium from the state's competitive bidding process. (Appropriations)

**SB 222-FN**, relative to a study of alternative transportation. (Transportation)

**SB 223**, relative to prohibiting the study committee established under 1989, 281:1 from considering whether to move or relocate the Dover toll plaza. (Public Works)

**SB 225-FN**, relative to the higher educational building corporation and loan eligibility. (Education)

**SB 228-FN-A**, relative to the treatment of New Hampshire trusts and the open bank assistance program under the New Hampshire business profits tax. (Commerce, Small Business and Consumer Affairs)

**SB 229**, relative to a Martin Luther King Human Rights Day. (Executive Departments and Administration)

**SCR 1**, relative to L-Tryptophan. (Health, Human Services and Elderly Affairs)

**SCR 2**, urging the Federal Energy Regulatory Commission to deny a rate increase for Public Service Company of New Hampshire. (Science, Technology and Energy)

**SCR 3**, urging the New Hampshire supreme court to give preferred status to appeals of adoptions. (Children, Youth and Juvenile Justice)

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 16**

Tuesday, April 2, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairisto.

Almighty God, under whose providence the seasons come and go each in its own time, the celebrations of Passover and Easter remind us once again of Your love and of Your saving power. Be with us in all seasons, we pray, that our hearts may be constantly filled with thanksgiving, and our lips with praise. Save us now, we ask, from all that would keep us from faithfully performing our duties. Guide us in all that we say and do, that even in the difficult choices facing us today, we may seek to do justice, to love mercy, and to walk humbly with our God. Amen.

Rep. Clemons led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Ackerman, Parr, Swope, Feuerstein, Donald Messier, Doucette, Conroy, Tate, Parks, Allen Wiggin, Ralph Torr, Bernard and Holmes, illness.

Reps. Falwell, Melnick, Laughlin, Sherman Packard, Tufts, MacKinnon, Haynes. Tsiros, David Young, Copenhaver, Jelley, Lachut, Golden, Trombly, William McCann and Hultgren, important business.

Rep. Marsh, illness in the family.

**INTRODUCTION OF GUESTS**

Joan Rosen and Lily Bradford, wife and daughter of Rep. Rosen; Noel Martin, daughter of Rep. Martin; Andrew and Pauline Andrews, guests of Rep. Rodeschin; and Ray Whitcomb, guest of Rep. Thayer.

U.S. Congressman Richard Swett, from the second New Hampshire Congressional District, addressed the House.

**RESOLUTION**

Rep. Gross offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 1-3, 7, 13, 18, 28, 32, 33, 39, 62, 66, 69-72, 90, 117, 120, 123, 126-128, 144, 156, 162, 165, 170, 173, 174, 176, 192, 193, 210, 220, 224 and House Resolution 21, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS AND HOUSE RESOLUTION****First, second reading and referral**

**SB 1**, relative to the senate committee which is to study redistricting state senate districts. (Constitutional and Statutory Revision)

**SB 2**, relative to the senate committee which is to study redistricting congressional districts. (Constitutional and Statutory Revision)

**SB 3-A**, relative to exit 10 on the Spaulding turnpike and making an appropriation therefor. (Public Works)

**SB 7-FN-A**, relative to an industrial research center at the university of New Hampshire. (Education)

**SB 13**, relative to transferring funds between and among line items in the postsecondary technical education department. (Appropriations)

**SB 18-FN-A**, relative to the conservation corps program and making an appropriation therefor. (Appropriations)

**SB 28-FN-A**, relative to promoting New Hampshire businesses and products internationally. (Commerce, Small Business and Consumer Affairs)

**SB 32-FN**, permitting district and municipal courts to accept payment of fines by credit card. (Appropriations)

**SB 33-FN**, relative to establishing a nonlapsing account for the New Hampshire technical institute and vocational technical colleges and creating the position of director of financial management. (Executive Departments and Administration)

**SB 39-FN**, relative to reopening liquor stores. (Regulated Revenues)

**SB 62-FN**, relative to licensure of athletic trainers. (Executive Departments and Administration)

**SB 66**, relative to durable power of attorney for health care. (Judiciary)

**SB 69-FN**, relative to certification of professional counselors. (Executive Departments and Administration)

**SB 70-FN**, relative to superior court clerks for Hillsborough county. (Judiciary)

**SB 71-FN-A**, relative to superior court justices. (Judiciary)

**SB 72-FN-A**, establishing and continually appropriating a fund for the purchase of vaccines. (Appropriations)

**SB 90-FN**, relative to the Salmon Falls Road in the cities of Somersworth and Rochester. (Public Works)

**SB 117-FN-A**, relative to expenditures by the public works bureau, extending certain lapse dates, making adjustments to certain bond authorizations, making certain appropriations, relative to the port authority, and making an appropriation therefor. (Public Works)

**SB 120-FN-A**, establishing a sunset committee and restoring the sunset review process and making an appropriation therefor. (Executive Departments and Administration)

**SB 123-FN**, relative to the wine industry of New Hampshire. (Regulated Revenues)

**SB 126-FN**, relative to groundwater classification. (Resources, Recreation and Development)

**SB 127-FN**, relative to removing vegetation obstructing advertising devices and planting lilac bushes. (Environment and Agriculture)

**SB 128-FN-A**, relative to the development of an electronic benefit transfer system and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

**SB 144-FN-A**, relative to the Women's War Memorial and making an appropriation therefor. (Public Protection and Veterans Affairs)

**SB 156-FN-A**, establishing a committee to study the SAU structure within the state of New Hampshire and making an appropriation therefor. (Education)

**SB 162-A**, relative to rebuilding, modernizing, and maintaining rail properties and making an appropriation for the Conway branch line. (Public Works)

**SB 165-FN**, relative to permit fees for excavating and dredging permits. (Public Works)

**SB 170-FN-A**, to study the revenue structure in New Hampshire and making an appropriation therefor. (Ways and Means)

**SB 173-FN-A**, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor. (Appropriations)



**SB 174-FN**, relative to possessing and dispensing prescription drugs by nonprofit family planning agencies. (Executive Departments and Administration)

**SB 176-FN**, relative to ophthalmic dispensing. (Health, Human Services and Elderly Affairs)

**SB 192-FN-A**, relative to the office of chief medical examiner. (Executive Departments and Administration)

**SB 193-FN**, relative to limits on motorboat speeds. (Transportation)

**SB 210-FN-A**, relative to drugged driving and making an appropriation therefor. (Judiciary)

**SB 220-FN**, relative to foster care. (Children, Youth and Juvenile Justice)

**SB 224**, relative to increasing the bonding authority for industrial development projects for the city of Dover. (Public Works)

**HR 21**, affirming revenue estimates for fiscal years 1992 and 1993. (Ways and Means)

### REGULAR CALENDAR

**HB 107-FN**, eliminating registration fees for class AA dams. (A) OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, repeals the \$20 fee registration for Class AA dams established by RSA 482:8-A (1990); and increases fees of class A, B, and C dams to provide an estimated \$33,150 of revenue to the dam maintenance fund to replace dam inspection funds otherwise lost through repeal. Vote 21-0. Rep. Merle W. Schotanus for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to registration fees for dams.

Amend the bill by replacing all after the enacting clause with the following:

1 Eliminating Annual Registration Fees for Class AA Dams and Increasing Other Fees. Amend RSA 482:8-a to read as follows:

482:8-a Annual Registration Fee. Annual registration fees for dams shall be payable to the division of water resources on [March] *January* 1 of each calendar year. Failure to pay the registration fee shall be considered a violation of RSA 482:15. Yearly dam registration fees based on the following dam classification shall be as follows: [Class AA = \$20;] Class A = [\$50] *\$75*; Class B = [\$200] *\$250*; Class C = [\$300] *\$400*. Revenues from this annual registration are to be collected by the division and deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill eliminates the \$20 annual registration fee for Class AA dams.

The bill also increases the registration fees for Class A, Class B and Class C dams. Adopted.

Report adopted.

Ordered to third reading.

**HB 114-FN**, relative to the date for terminating the motor vehicle emissions inspection program and granting administrative fine authority to the divisions of air resources and public health services. (A) OUGHT TO PASS WITH AMENDMENT.

The bill, as amended, extends the motor vehicle emissions inspection program for two years from December 31, 1991 to December 31, 1993. The amendment removes all money from the bill. Vote 20-0. Rep. Stacey W. Cole for Appropriations.

Rep. Raynowska moved that the words Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Reps. Hager and Musler spoke to the bill.

Motion failed.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the date for terminating the motor  
vehicle emissions inspection program.

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill extends the date for termination of the motor vehicle emissions inspection program from December 31, 1991, to December 31, 1993.

Adopted.

Report adopted.

Ordered to third reading.

**HB 143-FN**, relative to the liquor commission's authority to close liquor stores. (A) OUGHT TO PASS.

The bill has no fiscal impact that can be determined. Commission members felt they were already doing this, but could now use the standards in the bill. Vote 18-3. Rep. Charles W. Ferguson for Appropriations.

Adopted.

Ordered to third reading.

**HB 159-FN-A**, making a supplemental appropriation to the board of tax and land appeals. INEXPEDIENT TO LEGISLATE.

This legislation is covered in the supplemental budget. Vote 22-0. Rep. Janet R. Pelley for Appropriations.

Adopted.

**HB 252-FN-A**, establishing a fund for the inspection of apiaries to prevent honey-bee colony contamination and making an appropriation therefor. (A) INEXPEDIENT TO LEGISLATE.

While the Committee thought the program was important, it could not in light of the present fiscal situation fund this activity through a special bill. The Committee will place adequate funding in HB 26 for this activity. Vote 20-1. Rep. Charles W. Ferguson for Appropriations.

Adopted.

**HB 258**, to extend the lapse date for the phase V prison construction appropriation. OUGHT TO PASS.

This bill extends the lapse date to June 30, 1993 for a previous appropriation made to the Department of Corrections for phase V prison construction. Authorization is granted to expend the remaining funds (in a previous bonding authorization) amounting to approximately \$2,000,000 to renovate existing state buildings to accommodate some 300 minimum and medium security inmates for Camp Success, a drug/alcohol treatment center and boot camp. These renovations will be accomplished using prison labor. In arriving at its decision, the Committee took into consideration that the prison is fast approaching its maximum capacity. Vote 18-4. Rep. Robert A. Johnson for Appropriations.

Rep. Rosen spoke against.

Reps. Channing Brown and Gene Chandler spoke in favor.

Adopted.

Ordered to third reading.

**HB 275-FN-A**, establishing a permanent heritage collections committee and a New Hampshire heritage trust fund, continually appropriating funds in the trust fund to the committee, and making an appropriation therefor. OUGHT TO PASS.

This bill establishes a State Heritage Collections Committee and a New Hampshire Heritage Trust Fund. It appropriates only \$1 of state money, but allows private money to be raised. Vote 15-7. Rep. Robert G. Holbrook for Appropriations.

Adopted.

Ordered to third reading.

**HB 328-A**, relative to the site location, design and planning of a new Manchester district court facility and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

The amendment will allow Administrative Services to renovate and rehabilitate an existing building in downtown Manchester as a new courthouse within the \$250,000 bonded appropriation contained within the original bill thus opening a new court with no further expenditure. Vote 22-0. Rep. Robert E. Murphy for Appropriations.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to a new Manchester district  
court facility and making an  
appropriation therefor.

Amend the bill by replacing section 2 with the following:

2 Appropriation; Department of Administrative Services. The sum of \$250,000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1992, for the site location, design, architectural plans and rehabilitation and renovation of a new Manchester district court facility. In planning this facility, the department of administrative services shall consider issues including cost, accessibility, and needs for space now and in the future for such purposes as storage of records, building security, separation of adult and juvenile detainees, and private conference rooms.

#### **AMENDED ANALYSIS**

This bill makes an appropriation to the department of administrative services for the site location, design, architectural plans, and rehabilitation and renovation for a new Manchester district court facility. This appropriation is bonded.

Adopted.

Report adopted.

Ordered to third reading.

**HB 363-FN**, relative to criminal record checks and fees charged for criminal record checks. (A) INEXPEDIENT TO LEGISLATE.

It was not possible to determine the true cost of this bill, but it would be a substantial expense from general funds. Vote 20-1. Rep. Stacey W. Cole for Appropriations.

Rep. Hager moved that HB 363 be recommitted to Appropriations, and spoke to her motion.

Recommitted to Appropriations.

**HB 393-A**, relative to preliminary designs, an environmental impact statement for improving access to the Manchester airport, re-establishing a legislative task force and making an appropriation therefor. (A) OUGHT TO PASS.

This bill is relative to preliminary designs, an environmental impact statement for improving access to the Manchester Airport, re-establishing a legislative task force and makes a bonded appropriation of \$1,000,000. The Manchester Airport is unquestionably the "heart" of New Hampshire economic life. This access road will ease traffic on overburdened local streets and increase the visibility of the airport and airport area for economic development. Vote 22-0. Rep. Raymond Buckley for Appropriations.

Adopted.

Ordered to third reading.

**HB 427-A**, relative to additional improvements on Gosling Road and making an appropriation therefor. (A) OUGHT TO PASS.

This bill authorizes the Department of Transportation to make additional improvements in the planned overpass/underpass highway at the intersection of Pease Base and Gosling Road in the towns of Newington and Portsmouth. Appropriation for the project will come from \$6.8 million revenue bonds charged against the turnpike fund. Vote 20-0. Rep. Charles L. Vaughn for Appropriations.

Rep. Vaughn yielded to questions.

Adopted.

Ordered to third reading.

**HB 448-A**, appropriating funds for environmental and engineering design studies for the Ledyard Bridge in Hanover and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

As amended, this bill authorizes \$650,000 in bonded funds for the replacement of the Ledyard Bridge between Hanover, New Hampshire and Norwich, Vermont. Funding provided by Vermont through interstate agreement will reduce the appropriation 28 percent. Vote 21-0. Rep. Merle W. Schotanus for Appropriations.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$650,000 is hereby appropriated for the biennium ending June 30, 1993, to the department of transportation for the cost of environmental and preliminary engineering studies of the Ledyard Bridge crossing of the Connecticut River between Hanover, New Hampshire and Norwich, Vermont. The department is authorized to retain consultants as needed. The department is further



authorized to accept federal, state of Vermont, and private funds that may be available for these projects, and this appropriation shall be reduced by the amount of such funds. This appropriation shall be nonlapsing and is in addition to any other appropriation to the department of transportation for the biennium.

Adopted.

Report adopted.

Ordered to third reading.

**HB 488-FN**, relative to the flexible spending programs. **OUGHT TO PASS WITH AMENDMENT.**

This bill allows the Personnel Director to use benefit adjustment account funds for administrative fees for this program. There is no general fund impact. Vote 21-0. Rep. Charles W. Ferguson for Appropriations.

#### Amendment

Amend RSA 21-I:44-d as inserted by section 1 of the bill by replacing it with the following:

21-I:44-d Administrative Costs of Programs; Obligation of Employee. The director, division of personnel may use moneys in the employee benefit adjustment account, established under RSA 9:17-c, for the purposes of paying the administrative fees for the programs established under RSA 21-I:44-a and 21-I:44-b. The director may also use such moneys in the event money must be paid to the contracting party in advance to cover the employee's medical expenses, when the employee has not contributed all of such costs from his payroll deductions, provided that the employee benefit adjustment account shall be repaid when the employee fulfills his obligation.

Adopted.

Report adopted.

Ordered to third reading.

**HB 608-FN**, relative to the law enforcement authority of forest rangers and officials of the division of forests and lands. (A) **OUGHT TO PASS.**

This bill allows for arrests of those who violate laws regarding forests and woodlands by forest rangers. The rangers will be trained by Police Standards and Training. The bill is funded by fines. Vote 21-0. Rep. Gerald P. Merrill for Appropriations.

Adopted.

Ordered to third reading.

**HB 611-FN**, relative to plastic holding devices used in packaging. (A) **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, no longer carries an appropriation. This bill prohibits plastic holding devices (plastic rings around drink cans) that do not degrade when exposed to elements. Vote 21-0. Rep. Raymond Buckley for Appropriations.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The legislature finds that the plastic rings that hold soda and beer 6-packs together are harmful to wildlife. It is the purpose of this act to prohibit industries from using holding devices on their beverages unless this device decomposes by photodegradation, chemical degradation or biodegradation within a reasonable period of time upon exposure to the elements. The legislature encourages the soft drink, malt beverage and other industries which use plastic connecting rings

or similar packaging devices, to utilize the break away type of ring for packaging their beverages. In addition, the legislature further encourages any industry using these plastic rings to recycle them in order to reduce the amount of solid waste and protect our wildlife.

2 New Subdivision; Packaging Materials. Amend RSA 339 by inserting after section 70 the following new subdivision:

Packaging Materials

339:71 Definitions. In this subdivision "holding device" means any device constructed of plastic rings or plastic material that contains at least one hole greater than 1-3/4 inches in diameter, which is made, used, or designed for the purpose of packaging, transporting, or carrying multipackaged cans or bottles and which is degradable.

339:72 Certain Holding Devices Prohibited. No person may sell, or offer for sale, containers connected to each other by a holding device, unless this device decomposes by photodegradation, chemical degradation or biodegradation within a reasonable period of time upon exposure to the elements.

339:73 Rulemaking Authority. The commissioner of the department of environmental services shall adopt rules, under RSA 541-A, relative to:

I. A schedule of administrative fines which may be imposed under RSA 339:75 for violation of this subdivision.

II. Procedures for notice and hearing prior to the imposition of an administrative fine.

III. Matters related to the proper administration and enforcement of this subdivision.

IV. To require each manufacturer of holding devices to register their trademark with the department and provide the department with a sample of the device. The department shall require test data that show that the device is degradable as required in this act.

339:74 Penalty. Any person who violates any provision of this subdivision or any rule adopted under this subdivision shall be guilty of a violation.

339:75 Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$1,000 for each offense upon any person who violates any provision of this subdivision or rule adopted under this subdivision. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this subdivision shall not preclude the imposition of further penalties under this subdivision.

3 Effective Date. This act shall take effect January 1, 1992.

Adopted.

Report adopted.

Ordered to third reading.

**HB 688**, relative to the Mount Washington Regional and the Berlin Municipal Airports. OUGHT TO PASS.

The bill redesignates the use of \$200,000, which was previously appropriated in 1989 but not used, to reconstruct the hazard beacons at Berlin Municipal Airport and the parking ramp and taxiway at Mount Washington regional airport. Vote 20-0. Rep. John P. Chandler for Appropriations.

Adopted.

Ordered to third reading.

**HB 721-FN-A**, relative to hiring additional weights and measures inspectors and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

This bill appropriates \$200,000 in new monies for hiring additional inspectors and will increase expenditures by hundreds of thousands of badly needed dollars. The Commissioner was not overly interested in this bill since the equipment has improved beyond the need. Vote 22-0. Rep. Robert E. Murphy for Appropriations.

Adopted.

### **SPECIAL ORDER**

Rep. Gross moved to that **HB 64-FN-A**, to impose a nuclear electricity generation tax, be made a Special Order for Tuesday, April 9 at 11:00 a.m. and spoke to her motion.

Adopted.

### **REGULAR CALENDAR (Continued)**

**HB 146-FN-A**, to establish a uniform business tax and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The amendment is the bill and enacts a one-percent increase in the Business Profits Tax for a period of 24 months, effective July 1, 1991. The introduction and intent-section clearly delineates the House's intention to bring forth a major revision to the state's business taxes during the present session. The bill is estimated to raise \$13.75 million annually. Vote 15-4. Rep. Robert C. Hayes for Ways and Means.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the rate of the business profits tax.

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Findings and Purpose.**

I. The general court, finding a need for additional revenues to finance necessary state expenditures, is enacting a temporary one percent increase in the business profits tax. However, being mindful that (1) the permanent rate of the business profits tax is among the highest in the country and (2) the applicability of the business profits tax must be expanded to promote public acceptance of its fairness and equitability, the general court declares its intention and purpose is to aggressively pursue reform of the state's business tax system during the current session.

II. Towards this end, the general court acknowledges its intention to permit credit to be received by business organizations for the one percent surcharge on the business profits tax imposed in section 2 of this act during the conversion to the new or revamped, or new and revamped, business taxes, through its incorporation into the transition rules covering implementation of these taxes.

2 Temporary Rate of Business Profits Tax. Notwithstanding the provisions of RSA 77-A:2, the tax imposed under RSA 77-A shall be imposed at the rate of 9 percent upon the taxable business profits of every business organization for the biennium ending June 30, 1993.

3 Penalty for Underpayment of Estimated Tax; Exception for Business Organizations. The provisions of RSA 21-J:32, IV(a) and (d) relative to the determination of the exceptions to the imposition of the penalty imposed under RSA 21-J:32 shall not apply to business organizations subject to tax under RSA 77-A to the extent such exceptions would apply to the tax imposed under section 2 of this act.

4 Effective Date. This act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill provides that the business profits tax shall be imposed at the rate of 9 percent for a period beginning on July 1, 1991, and ending on June 30, 1993.

The bill contains a declaration of purpose that it is the intent of the legislature that business organizations shall receive a credit for the surcharge imposed as part of the revamping of the state's business taxes.

Rep. Gross spoke in favor of the report.

Rep. Arnesen moved to substitute the words Inexpedient to Legislate for the report of the Committee, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Rep. Hayes spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

#### YEAS 175

Accornero, Harry  
Joscelyn, William W.  
Zaharchuk, Peter J., Jr.

Allard, Nanci A.  
Dodge, A. Gibb, Jr.

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Coulombe, Henry W.  
Oliver, Terry D.

Arnesen, Deborah L.  
Dow, David  
McIlwaine, Deborah P.  
White, Paul R.

Alukonis, David J.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Cote, David E.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Dwyer, Patricia R.  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Johnson, Lionel W.  
King, Frank P.

#### YEAS 175 BELKNAP

Dewhurst, Glenn E.  
Maviglio, Steven R.

#### CARROLL

Bradley, Jeb E.  
Wiggin, Gordon E.

#### CHESHIRE

Champagne, Richard L.  
Foster, Katherine D.  
LaMar, David M.  
Riley, William A.

#### COOS

Hawkinson, Marie C.  
Pratt, Leighton C.

#### GRAFTON

Brown, Patricia B.  
Guest, Robert H.  
Nordgren, Sharon L.

#### HILLSBOROUGH

Baker, George H., Sr.  
Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Fenton, James J.  
Goulet, Maurice E.  
Hall, Betty B.  
Jordan, Mary H.  
Kurk, Neal M.

#### NAYS 174

Johnson, Carl R.  
Shibley, Arnold P.

Daly, Robert J., Jr.

Cole, Kenneth A.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Spear, Susan S.

Mayhew, Josephine  
Therault, Romeo J.

Chambers, Mary P.  
Markley, J. Keith  
Scanlan, David M.

Baldizar, Barbara J.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Dodge, Emma M.  
Drolet, Paul L.  
Gage, Ruth E.  
Green, Scott E.  
Healy, Walter F.  
Kelley, Dana F.  
L'Heureux, Robert J.



Lawrence, Norman B.  
 McDowell, James E.  
 Moore, Elizabeth A.  
 Ouellette, Robert O.  
 Pepino, Leo P.  
 Riley, Frances L.  
 Turgeon, Roland M.  
 White, John M.

Leclerc, Charles J.  
 McNerney, Daniel P.  
 Nardi, Theodora P.  
 Packard, Bonnie B.  
 Pignatelli, Debora B.  
 Rothhaus, Finlay C.  
 Upton, Barbara A.  
 Wright, George W.

Martin, Mary Ellen  
 McRae, Karen K.  
 O'Rourke, Joanne A.  
 Paquette, Rodolphe G.  
 Reidy, Frank J.  
 Soucy, Donna M.  
 Wheeler, David K.

### MERRIMACK

Barberia, Richard A.  
 Dunn, Miriam D.  
 Letourneau, George E.  
 Teague, Bert

Christie, Thomas J.  
 Jacobson, Alf E.  
 Molner, Mary E.  
 Wallner, Mary Jane

Daneault, Gabriel J.  
 Johnson, Joyce M.  
 Soldati, Jennifer G.  
 Yeaton, Charles B.

### ROCKINGHAM

Barnes, John S., Jr.  
 Brown, Jeffrey M.  
 Caswell, Albert, Jr.  
 Chulack, Peter G., Sr.  
 DiPietro, Carmela M.  
 Dube, LeRoy S.  
 Griebisch, Linda  
 Hynes, Carolyn E.  
 MacDonald, Joseph A.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Splaine, John E., Sr.  
 Vaughn, Charles L.  
 Woods, Deborah L.

Bell, Juanita L.  
 Bucu, Stephen W.  
 Chase, Lawrence A., Jr.  
 Clark, Martha Fuller  
 Dowd, Sandra K.  
 Flanders, David A.  
 Hoar, John, Jr.  
 Kane, Cecelia D.  
 Malcolm, Kenneth W.  
 Palazzo, Frank J.  
 Rubin, George R.  
 Syracuse, Anthony  
 Warburton, Calvin

Boucher, William P.  
 Campbell, Marilyn R.  
 Christie, Andrew, Jr.  
 Cooke, Annette M.  
 Dowling, Patricia A.  
 Ford, Bert H.  
 Hutchinson, Karen K.  
 Keith, Brenda E.  
 McGovern, Cynthia A.  
 Pantelakos, Laura C.  
 Schanda, Joseph, Sr.  
 Terninko, Margaret B.  
 Weyler, Kenneth L.

### STRAFFORD

Brown, Julie M.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 Marston, Robert E.  
 Pageotte, Donald P.  
 Sullivan, Henry P.  
 Wheeler, Katherine W.

Douglass, Clyde J.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 Merrill, Amanda A.  
 Pelley, Janet R.  
 Vincent, Francis C.  
 Young, John B.

Frechette, Roland A.  
 Hashem, Elaine M.  
 Kincaid, William K.  
 O'Brien, John  
 Spencer, Leo J.  
 Wall, Janet G.

### SULLIVAN

Allison, David C.  
 Krueger, Richard H.  
 Walsh, Robert R.

Burling, Peter Hoe  
 Peyron, Fredrik

Harland, Jane A.  
 Tetu, Michael A.

### NAYS 174 BELKNAP

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Rosen, Ralph J.  
 Ziegler, Alice S.

Cain, Thomas G.  
 Holbrook, Robert G.  
 Turner, Robert H.

Campbell, Richard H., Jr.  
 Rice, Thomas E. P., Jr.  
 Vogler, Charles C.

**CARROLL**

Beach, Mildred A.  
Foster, Robert W.

Chandler, Gene G.  
Jean, Robert R.

Dickinson, Howard C.  
Saunders, Howard N.

**CHESHIRE**

Clark, Eugene W.  
Feuer, Joseph N.  
Hunt, John B.  
Morse, Jo Ann T.  
Sawyer, Alfred P.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Pearson, Gertrude B.

Crutchley, Donald O.  
Hogan, James B.  
Metzger, Katherine H.  
Perry, David M.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Merrill, Gerald P.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Nelson, Harold D.

Kilbride, Dennis J.

**GRAFTON**

Adams, Carl S.  
Christy, C. Dana  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Shackett, Ralph E.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Brown, Channing T.  
Hill, Richard L.  
Lougee, Richard W.  
Stewart, Roger D.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Chasse, Richard D.  
Donovan, Francis X.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Keane, Cornelius J.  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
Murphy, Robert E.  
Record, Alice B.  
Sallada, Roland A.  
Steiner, Lee Anne  
Vanderlosk, Stanley R.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Durham, Susan B.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gagnon, Gabrielle V.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Kelley, Robert N.  
Lown, Elizabeth D.  
Mercer, Robert S.  
Perham, Lester R.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Wheeler, Robert L.

Andrews, Frederick B.  
Calawa, Leon, Jr.  
Desrosiers, William J.  
Dyer, Merton S.  
Ferguson, Charles  
Ford, Nancy M.  
Greenglass, Alan B.  
Healy, Daniel J.  
Jean, Romeo W.  
Lawrence, Eva M.  
Mason, Howard F.  
Messier, Irene M.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Tarpley, Nancy L.

**MERRIMACK**

Anderson, Eleanor M.  
Boucher, Laurent J.  
Chandler, John P.  
Gilbreth, Robert M.  
Hall, Douglas E.

Apple, Lowell D.  
Carter, Susan D.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.

Asplund, Bronwyn L.  
Chandler, Earle W.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.

Johnson, C. William  
Lockwood, Robert A.  
Smith, Gerald R.  
Whittemore, James A.

Kidder, William F.  
Millard, Elizabeth S.  
Stapleton, Henry F.

Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

### ROCKINGHAM

Benton, Richardson D.  
Cote, Patricia L.  
Flanagan, Natalie S.  
Greene, Elizabeth A.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
McCain, William F.  
Seward, Russell G.  
Smith, Arthur W.  
Thayer, Leroy C.

Coffey, John J.  
Drake, Herbert R.  
Flanders, Harry E.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
McCarthy, John J., Jr.  
Simon, Peter M.  
Sytek, Donna P.  
Welch, David A.

Connell, David R.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Hurst, Sharleene P.  
Klemarczyk, Thaddeus E.  
Magoon, Harold F.  
Senter, Merilyn P.  
Skinner, Patricia M.  
Sytek, John J.

### STRAFFORD

Appleby, James E.  
Flynn, Edward J.  
Martling, W. Kent  
Torr, Ann M.

Bickford, Drucilla  
Foss, Patricia H.  
Musler, George T.

Corte, Arthur B.  
Kinney, Paula J.  
Nehring, William H.

### SULLIVAN

Behrens, Thomas A.  
Middleton, John A.  
Stamatakis, Carol M.

Flint, Gordon B.  
Rodeschin, Beverly T.

Lindblade, Eric N.  
Schotanus, Merle W.

The Speaker voted in the negative, creating a tie and the substitute motion failed.  
Rep. Lozeau abstained from voting under Rule 16.

The question now being on the committee amendment.

### SPECIAL ORDER

Reps. Arnesen and Donna Sytek moved that HB 146 be made a Special Order at the end of the regular calendar.

Motion failed.

Reps. Donna Sytek and Hager spoke in favor of the committee amendment.  
Roll call request sufficiently seconded.

### YEAS 197

### NAYS 155

#### YEAS 197 BELKNAP

Bartlett, Gordon E.  
Holbrook, Robert G.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Hawkins, Robert S.  
Rosen, Ralph J.  
Ziegra, Alice S.

#### CARROLL

Beach, Mildred A.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Chandler, Gene G.  
Foster, Robert W.

Dickinson, Howard C.  
Jean, Robert R.

**CHESHIRE**

Clark, Eugene W.  
Feuer, Joseph N.  
Hunt, John B.  
Morse, Jo Ann T.  
Riley, William A.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hogan, James B.  
Metzger, Katherine H.  
Perry, David M.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Mayhew, Josephine  
Pratt, Leighton C.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Merrill, Gerald P.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Hill, Richard L.  
Lougee, Richard W.  
Shackett, Ralph E.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Bean, Pamela B.  
Christy, C. Dana  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Wadsworth, Karen O.  
White, Paul R.

Brown, Channing T.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Chasse, Richard D.  
Donovan, Francis X.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gage, Ruth E.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Kelley, Dana F.  
Leclerc, Charles J.  
Mason, Howard F.  
Mercer, Robert S.  
Perham, Lester R.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Durham, Susan B.  
Fenton, James J.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Healy, Daniel J.  
Jean, Romeo W.  
Kelley, Robert N.  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
Messier, Irene M.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Tarpley, Nancy L.

Andrews, Frederick B.  
Calawa, Leon. Jr.  
Desrosiers, William J.  
Dyer, Merton S.  
Ferguson, Charles  
Ford, Nancy M.  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Holden, Carol H.  
Keane, Cornelius J.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Murphy, Robert E.  
Record, Alice B.  
Sallada, Roland A.  
Steiner, Lee Anne  
Vanderlosk, Stanley R.

**MERRIMACK**

Anderson, Eleanor M.  
Boucher, Laurent J.  
Chandler, John P.  
Gilbreth, Robert M.  
Hall, Douglas E.

Apple, Lowell D.  
Carter, Susan D.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.

Asplund, Bronwyn L.  
Chandler, Earle W.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.



Johnson, C. William  
Lockwood, Robert A.  
Smith, Gerald R.  
Teague, Bert

Kidder, William F.  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Whittemore, James A.

Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

### ROCKINGHAM

Benton, Richardson D.  
Coffey, John J.  
DiPietro, Carmela M.  
Flanagan, Natalie S.  
Greene, Elizabeth A.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
McCain, William F.  
Seward, Russell G.  
Smith, Arthur W.  
Thayer, Leroy C.

Boucher, William P.  
Connell, David R.  
Drake, Herbert R.  
Flanders, Harry E.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
McCarthy, John J., Jr.  
Simon, Peter M.  
Sytek, Donna P.  
Warburton, Calvin

Campbell, Marilyn R.  
Cote, Patricia L.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Hurst, Sharleene P.  
Klemarczyk, Thaddeus E.  
Magoon, Harold F.  
Senter, Marilyn P.  
Skinner, Patricia M.  
Sytek, John J.  
Welch, David A.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Keans, Sandra B.  
Musler, George T.  
Torr, Ann M.

Bickford, Drucilla  
Flynn, Edward J.  
Kinney, Paula J.  
Nehring, William H.  
Vincent, Francis C.

Brown, Julie M.  
Foss, Patricia H.  
Martling, W. Kent  
Pageotte, Donald P.  
Young, John B.

### SULLIVAN

Behrens, Thomas A.  
Lindblade, Eric N.  
Schotanus, Merle W.

Flint, Gordon B.  
Middleton, John A.  
Stamatakis, Carol M.

Krueger, Richard H.  
Rodeschin, Beverly T.

### NAYS 155

### BELKNAP

Accornero, Harry  
Johnson, Carl R.  
Salatiello, Thomas B.

Cain, Thomas G.  
Joscelyn, William W.  
Shibley, Arnold P.

Dewhirst, Glenn E.  
Maviglio, Steven R.  
Zaharchuk, Peter J., Jr.

### CARROLL

Allard, Nanci A.  
Wiggin, Gordon E.

Bradley, Jeb E.

Daly, Robert J., Jr.

### CHESHIRE

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Champagne, Richard L.  
Foster, Katherine D.  
LaMar, David M.  
Spear, Susan S.

Cole, Kenneth A.  
Kennison, Wayne A.  
Lynch, Margaret A.

### COOS

Hawkinson, Marie C.

Oliver, Terry D.

Theriault, Romeo J.

### GRAFTON

Arnesen, Deborah L.  
Guest, Robert H.  
Scanlan, David M.

Chambers, Mary P.  
Markley, J. Keith

Dow, David  
Nordgren, Sharon L.

**HILLSBOROUGH**

Alukonis, David J.  
 Baroody, Benjamin C.  
 Burke, Stephen J.  
 Cote, David E.  
 Daniels, Gary L.  
 Domaingue, Jacquelyn M.  
 Dwyer, Patricia R.  
 Goulet, Maurice E.  
 Healy, Walter F.  
 King, Frank P.  
 Lawrence, Norman B.  
 McDowell, James E.  
 Nardi, Theodora P.  
 Packard, Bonnie B.  
 Pignatelli, Debora B.  
 Rothhaus, Finlay C.  
 Upton, Barbara A.  
 Wright, George W.

Baker, George H., Sr.  
 Bourque, Ann J.  
 Clemons, Jane A.  
 Crotty, Edward J.  
 Desrochers, Gerard T.  
 Drabinowicz, A. Theresa  
 Elliott, Larry G.  
 Green, Scott E.  
 Johnson, Lionel W.  
 Kurk, Neal M.  
 Lozeau, Donnalee M.  
 McRae, Karen K.  
 O'Rourke, Joanne A.  
 Paquette, Rodolphe G.  
 Reidy, Frank J.  
 Soucy, Donna M.  
 Wheeler, David K.

Baldizar, Barbara J.  
 Buckley, Raymond  
 Cook, Valerie S.  
 Daigle, Robert A.  
 Dodge, Emma M.  
 Drolet, Paul L.  
 Gosselin, Gerald O.  
 Hall, Betty B.  
 Jordan, Mary H.  
 L'Heureux, Robert J.  
 Martin, Mary Ellen  
 Moore, Elizabeth A.  
 Ouellette, Robert O.  
 Pepino, Leo P.  
 Riley, Frances L.  
 Turgeon, Roland M.  
 White, John M.

**MERRIMACK**

Barberia, Richard A.  
 Dunn, Miriam D.  
 Letourneau, George E.  
 Wallner, Mary Jane

Christie, Thomas J.  
 Jacobson, Alf E.  
 Molner, Mary E.  
 Yeaton, Charles B.

Daneault, Gabriel J.  
 Johnson, Joyce M.  
 Soldati, Jennifer G.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Bucu, Stephen W.  
 Christie, Andrew, Jr.  
 Cooke, Annette M.  
 Dube, LeRoy S.  
 Griebisch, Linda  
 Hynes, Carolyn E.  
 MacDonald, Joseph A.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Splaine, John E., Sr.  
 Vaughn, Charles L.

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Chulack, Peter G., Sr.  
 Dowd, Sandra K.  
 Flanders, David A.  
 Hoar, John, Jr.  
 Kane, Cecelia D.  
 Malcolm, Kenneth W.  
 Palazzo, Frank J.  
 Rubin, George R.  
 Syracuse, Anthony  
 Weyler, Kenneth L.

Brown, Jeffrey M.  
 Chase, Lawrence A., Jr.  
 Clark, Martha Fuller  
 Dowling, Patricia A.  
 Ford, Bert H.  
 Hutchinson, Karen K.  
 Keith, Brenda E.  
 McGovern, Cynthia A.  
 Pantelakos, Laura C.  
 Schanda, Joseph, Sr.  
 Terninko, Margaret B.  
 Woods, Deborah L.

**STRAFFORD**

Douglass, Clyde J.  
 Hambrick, Patricia A.  
 Kincaid, William K.  
 O'Brien, John  
 Sullivan, Henry P.

Frechette, Roland A.  
 Hashem, Elaine M.  
 Marston, Robert E.  
 Pelley, Janet R.  
 Wall, Janet G.

Gilmore, Gary R.  
 Jankowski, Peter M.  
 Merrill, Amanda A.  
 Spencer, Leo J.  
 Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
 Harland, Jane A.  
 Walsh, Robert R.

Burling, Peter Hoe  
 Peyron, Fredrik

Domini, Irene C.  
 Tetu, Michael A.

and the amendment was adopted.

Rep. Thomas Cain notified the Clerk that he inadvertently voted nay, and meant to vote yea.

Report adopted.

Ordered to third reading.

**HB 322.** to adopt the current version of the United States Internal Revenue Code for business profits tax purposes. **OUGHT TO PASS WITH AMENDMENT.**

The bill was requested by the Department of Revenue Administration, and as amended, makes several housekeeping changes to update and clarify existing statutes. In addition, this amendment authorizes the Commissioner to contract with financial institutions to process and deposit tax returns. Vote 19-0. Rep. Donna P. Sytek for Ways and Means.

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the business profits tax, the real estate  
transfer tax, the communications services tax,  
and the administration of state taxes.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraphs; Internal Revenue Code Reference. Amend RSA 77-A:1, XX (b)-(d) to read as follows:

(b) For all tax years beginning before January 1, 1987, the United States Internal Revenue Code (1954) as amended[; and].

(c) For all tax years beginning after December 31, 1986, the United States Internal Revenue Code of 1986 in effect on December 22, 1987[; and].

(d) For all tax years beginning after December 31, 1987, the United States Internal Revenue Code of 1986 in effect on November 10, 1988.

*(e) For all tax years beginning after December 31, 1988, the United States Internal Revenue Code of 1986 in effect on December 19, 1989.*

*(f) For all tax years beginning after December 31, 1990, the United States Internal Revenue Code of 1986 in effect on November 5, 1990.*

2 Definition of Manufactured Housing; Real Estate Transfer Tax. Amend RSA 78-B:1, IV to read as follows:

IV. For the purposes of this chapter, manufactured housing, as defined by RSA [31:118] **674:3I**, shall be deemed real estate at such time as it is placed on a site and tied into required utilities.

3 Transfer of Title Between Spouses. Amend RSA 78-B:2, XIII to read as follows:

XIII. To a transfer of title *between spouses* pursuant to a final decree of divorce or nullity.

4 Type of Notice Required; Communications Services Tax. Amend RSA 82-A:15, III to read as follows:

III. [Whenever notice to a retailer or taxpayer is required by this chapter, such notice shall be personally served or given by United States certified or registered mail, addressed to the retailer or taxpayer concerned at his last known address, and proof of such mailing shall be sufficient for the purposes of this chapter]. In the case of a notice of hearing, such notice shall be mailed *to the retailer or taxpayer concerned at his last known address, by United States certified or registered mail, and such notice shall be mailed* not less than 7 days prior to the date fixed for the hearing.

5 Manufactured Housing Reference Changed. Amend RSA 480:1 to read as follows:

480:1 Amount. Every person is entitled to \$5,000 worth of his homestead, or of his interest therein, as a homestead. The homestead right created by this chapter shall exist in manufactured housing, as defined by RSA [31:118] **674:31**, which is owned and occupied as a dwelling by the same person but shall not exist in the land upon which the manufactured housing is situated if that land is not also owned by the owner of the manufactured housing.

6 New Paragraph; Duties of Commissioner. Amend RSA 21-J:3 by inserting after paragraph XVIII the following new paragraph:

XIX. Enter in contractual agreements with financial institutions to receive and process tax returns or documents and deposit tax revenues received with such documents.

7 Confidentiality of Department Records: Disclosure of Information by Vendors. Amend RSA 21-J:14, I to read as follows:

I. Notwithstanding any other provision of law, and except as otherwise provided in this chapter, the records and files of the department are confidential and privileged. Neither the department, nor any employee of the department, nor any other person charged with the custody of such records or files, *nor any vendor or any of its employees to whom such information becomes available in the performance of any contractual services for the department* shall disclose any information obtained from the department's records, files, or returns or from any examination, investigation or hearing, nor may any such employee or person be required to produce any such information for the inspection of any person or for use in any action or proceeding except as hereinafter provided.

8 Confidentiality of Department Records; Violation by Vendor. Amend RSA 21-J:14, VIII to read as follows:

VIII. Violation of this section is a misdemeanor and if the offender is an officer or an employee of the state *or an officer or employee of a vendor which has entered into a contractual agreement with the department under 21-J:3, XIX*, he shall in addition be removed from his office or dismissed from his employment.

9 New Paragraph; Confidentiality of Department Records and Vendors. Amend RSA 21-J:14 by inserting after paragraph IX the following new paragraph:

X. Returns or other documents mailed to a vendor of the department for the processing and depositing of tax revenues on behalf of the department shall be confidential records of the department upon their receipt by the vendor. The vendor and its employees having any access to this confidential information shall be subject to the provisions of RSA 21-J:14.

10 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

(1) Updates the reference to the United States Internal Revenue code in the business profits tax.

(2) Updates references to the definition of manufactured housing in the real estate transfer tax and in the homestead exemption.

(3) Clarifies, for real estate transfer tax purposes, that a transfer of title between spouses is exempt when pursuant to a divorce decree.



(4) Changes the notice required to a retailer or taxpayer under the communications services tax.

(5) Adds new provisions relative to the duties of the commissioner of revenue administration and the confidentiality of department records.

This bill is a request of the department of revenue administration.

Adopted.

Report adopted.

Ordered to third reading.

**HB 353-FN-A, to tax smokeless tobacco. OUGHT TO PASS.**

Unlike our three abutting states, there presently is no state tax on chewing tobacco and snuff. This bill imposes a tax on smokeless tobacco at a rate proportional to the cigarette tax. The Committee believes that taxing smokeless tobacco is good public policy, balancing the competing values of (1) public interest in health, (2) the state's need for revenue, (3) business interests, and (4) the rights of individuals to buy and use products. The Fiscal Note prepared by the Division of Revenue Administration calls for more than \$500,000 in revenue in FY 1992. Vote 14-5. Rep. Douglass P. Teschner for Ways and Means.

Rep. Teschner offered a floor amendment.

**Floor Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

to tax smokeless tobacco and making  
an appropriation therefor.

Amend the bill by replacing section 8 with the following:

8 Appropriation. The sum of \$4,300 for the fiscal year ending June 30, 1992, and the sum of \$1,000 for the fiscal year ending June 30, 1993, are hereby appropriated to the department of revenue administration for the purpose of administering the tax imposed in sections 1-7 of this act. These sums shall be in addition to any other funds appropriated to the department of revenue administration. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Effective Date. This act shall take effect July 1, 1991.

**AMENDED ANALYSIS**

This bill adds smokeless tobacco to the tobacco products which are subject to taxation under RSA 78.

The tax upon smokeless tobacco is imposed at a rate proportional to the cigarette tax, having such ratio to the usual wholesale price of the smokeless tobacco as the cigarette tax bears to the usual wholesale price of the cigarettes.

The bill also authorizes the commissioner of revenue administration to exempt smokeless tobacco from having stamps affixed to the packages, and to require the submission of periodic reports by wholesalers in place of the stamps.

The bill makes appropriations for fiscal year 1992 and for fiscal year 1993, for the purpose of administering the tax on smokeless tobacco.

Rep. Teschner spoke in favor.

Adopted.

Rep. Drake offered a floor amendment.

**Floor Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

to tax smokeless tobacco and making an appropriation  
therefore and relative to an annual payment  
for admission to practice law.

Amend the bill by replacing section 9 with the following:

9 Annual Payment for Admission to Practice Law. Amend RSA 311:2 to read as follows:

311:2 Admission to Practice **and Annual Payment.**

I. Any citizen of the age of 18 years, of good moral character and suitable qualifications, on application **and annual payment of \$500** to the supreme court shall be admitted to practice as an attorney.

**II. Attorneys admitted to practice, but not engaged in the practice of law, shall be exempt from the annual payment provision of paragraph I.**

**III. Attorneys exclusively engaged in the practice of law as employees of the state of New Hampshire, or a political subdivision thereof, shall be exempt from the annual payment provision of paragraph I.**

**IV. If the exemptions provided in paragraphs II and III of this section should be held unconstitutional, then the annual payment provision of paragraph I shall apply to all attorneys admitted to practice.**

10 Effective Date. This act shall take effect July 1, 1991.

**AMENDED ANALYSIS**

This bill adds smokeless tobacco to the tobacco products which are subject to taxation under RSA 78.

The tax upon smokeless tobacco is imposed at a rate proportional to the cigarette tax, having such ratio to the usual wholesale price of the smokeless tobacco as the cigarette tax bears to the usual wholesale price of the cigarettes.

The bill also authorizes the commissioner of revenue administration to exempt smokeless tobacco from having stamps affixed to the packages, and to require the submission of periodic reports by wholesalers in place of the stamps.

This bill also establishes an annual fee of \$500 for practicing attorneys. The \$500 fee is paid to the supreme court. Non-practicing attorneys are exempt from paying the fee, as are attorneys exclusively employed by the state, counties or municipalities.

Rep. Drake spoke in favor and yielded to questions.

Rep. Coffey spoke against and yielded to questions.

Rep. Welch spoke in favor.

Rep. Flint spoke against.

On a division vote, 75 members voted in the affirmative, 265 in the negative, the floor amendment failed.

Amended report adopted.

Ordered to third reading.

**HB 378-FN-A**, relative to determining reasonable compensation and adopting a safe harbor formula under the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

The amendment is the bill. The bill revises the old and often-changed definition of "reasonable compensation" in the Business Profits Tax in an attempt to eliminate some of the more abusive compensation claims. Although it is expected to generate additional revenue in future years, no increased revenue for the biennium is expected. Vote 20-0. Rep. Robert C. Hayes for Ways and Means.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to determining reasonable compensation  
under the business profits tax.

Amend the bill by replacing all after the enacting clause with the following:

I Determining Reasonable Compensation. Amend RSA 77-A:4, III to read as follows:

III. (a) In the case of a proprietorship or partnership, a deduction equal to a fair and reasonable compensation for the personal services of the proprietor or partners actually devoting time and effort in the operation of the [enterprise] *business organization*. The purpose of this paragraph is to permit deduction from gross business profits of a proprietorship or partnership only of such amounts as are fairly attributable to the personal services of the proprietor or partners *who are natural persons, but not to permit deduction of any amounts as are fairly attributable to a return on business assets or the labor of non-owner employees of the business organization*. [Such amounts would generally be the amount reported as earned income on federal income tax returns, but would also include compensation for operating rental property, amounts deemed to be reasonable commissions on the sale of property, and other amounts due to services rendered. If there is occasion to determine] *The burden shall be upon the business organization filing the return to demonstrate the reasonableness of a deduction claimed under this paragraph, by a preponderance of the evidence. In considering* the reasonableness of a deduction claimed under this paragraph, the commissioner shall consider the claimed deduction in light of compensation for personal services of employees in positions requiring similar responsibility, devotion of time, education and experience in business organizations of similar size, volume and complexity. In addition, the commissioner shall take into account the value [of the proprietorship or partnership] *to the business organization* of the labor of its *non-owner* employees, [the proprietor, or any of the partners,] and the use of [their property] *the business assets of the business organization* and any other factor which may reasonably assist the commissioner in making a determination *as to the reasonableness of the claimed deduction*. [Such determination by the commissioner shall be deemed reasonable unless the taxpayer proves to the commissioner, by a preponderance of the evidence upon the standards set forth in this paragraph and after notice and hearing, that the deduction claimed by the taxpayer is not grossly excessive. Provided, that a taxpayer ascertaining its gross business profits in this state by the allocation procedure established in RSA 77-A:3 is allowed only such percentage of the deductions allowable in paragraphs II, III, and IV as has been applied by it in ascertaining its gross business profits in this state. Provided further that subject to the

preceding sentence, a minimum deduction of \$3,000 shall be allowed on account of the proprietor or each partner actually devoting time and effort in the operation of the enterprise.]

*(b) The amount of any deduction claimed under subparagraph (a) shall not exceed the amount reported as earned income from the activities of the business organization as reflected on the federal income tax returns of the proprietor or partner rendering such personal services, but may also include an amount not to exceed net rental income as compensation for operating rental property, and an amount not to exceed 15 percent of the gross selling price as commissions on the sale of business assets. Provided, that subject to the preceding sentence, a minimum deduction of \$6,000 shall be allowed on account of the proprietor or each partner who is a natural person actually devoting time and effort in the operation of the business organization.*

2 Effective Date. This act shall take effect upon its passage, and shall apply to returns and taxes due on account of taxable periods beginning on or after January 1, 1991.

#### AMENDED ANALYSIS

This bill amends the business profits tax relative to the deduction which a proprietorship or partnership may take for fair and reasonable compensation for personal services.

The bill sets the following standard to be used in determining the deduction for reasonable compensation for proprietorships and partnerships:

- (1) The deduction must be for the personal services of the partner or the proprietor.
- (2) The partner or proprietor must be an individual or natural person who actually devotes time and effort to the business organization.
- (3) There may not be a deduction of any portion of the business organization's gross business profits from either return on capital investment or non-owner employee's labor.

The bill places the burden of proof on the taxpayer to show that he is entitled to the deduction, and sets guidelines for the commissioner of revenue administration to follow in determining the reasonableness of a deduction.

The bill also increases the minimum deduction which is currently allowed from \$3,000 to \$6,000.

Adopted.

Report adopted.

Ordered to third reading.

**HB 592-FN-A**, relative to a business tax and making an appropriation therefor. **ought to pass with amendment.**

House Bill 592, which was the ever-unpopular business poll tax, had all of its original language removed. It now is a bill which sets court fees. In the early 1980s, the Legislature gave the Supreme Court the responsibility to set fees. The Committee feels that it is appropriate for the Legislature to resume responsibility for that task. In many cases, the Committee chose not to increase the fees at all, but in other areas the increases ranged from 50 percent to 100 percent. The Committee also added a fee for all other motions. This is something for which no fee was currently being charged. The Committee believes that not only will this help offset the expense of these motions, it hopefully will reduce their numbers which often seem designed only to slow the process. Vote 14-4. Rep. Shawn N. Jasper for Ways and Means.



**Amendment**

Amend the title of the bill by replacing it the following:

AN ACT  
relative to court fees.

Amend the bill by replacing all after the enacting clause with the following:

I Court Fees Set. RSA 490:26-a is repealed and reenacted to read as follows:  
490:26-a Court Fees.

I. The fee schedule for the supreme court shall be as follows:

|   |       |
|---|-------|
| (a) Entry of appeal                           | \$250 |
| (b) Certification of record to federal courts | 150   |
| (c) Bar examination fee                       | 200   |
| (d) Character and fitness investigation fee   | 200   |
| (e) Certification of admission                | 25    |

II. The fee schedule for the superior courts shall be as follows:

|   |     |
|---|-----|
| (a) Original entry of any action at law or equity, transfer, appeal pursuant to RSA 540:20, or any special writ | 100 |
| (b) Original entry of all marital matters, including orders of notice and guardian ad litem fee                 | 101 |
| (c) Each petition or motion to attach, ex parte order, order of notice, and motion to bring forward             | 35  |
| (d) Each additional plaintiff or defendant (over one)   | 15  |
| (e) Each additional copy under subparagraph II(c)   | 15  |
| (f) Writ of possession, violation appeal, execution and taxation of costs                                       | 25  |
| (g) Petition to annul criminal record, order of notice and exemplified certificate                              | 150 |
| (h) Certificates and certified copies   | 10  |
| (i) All copied material, except transcripts   | .75 |
| (j) Original writ   | .75 |
| (k) Copy of original writ   | .50 |
| (l) All other motions   | 20  |

III. The fee schedule for the district and municipal courts shall be as follows:

|   |    |
|---|----|
| (a) Civil:  |    |
| (1) Writ entry                                      | 50 |
| (2) For each additional party                       | 5  |
| (3) Order of notice                                 | 10 |
| (4) Each additional copy                            | 4  |
| (5) Petition to attach, ex parte                    | 20 |
| (6) Petition to attach, with notice                 | 20 |
| (7) Order of notice on new or additional attachment | 10 |
| (8) Each additional copy                            | 4  |

|   |  |
|---|--|
| (9) All other motions   | 15   |
| (b) Small claims:   |  |
| (1) Entry fee   | 20   |
| (2) Certified letters (each time)   | 5  |
| (3) Writ of execution   | 5  |
| (4) Alias writ of execution   | 5  |
| (5) Orders of notice  | 5  |
| (6) Order - weekly payments   | 5  |
| (c) Landlord and tenant:  |  |
| (1) Writ of entry   | 50   |
| (2) Writ of possession  | 10   |
| (d) General and miscellaneous:  |  |
| (1) Original writs (forms)  | \$ .50   |
| (2) Taxation of costs by clerk  | 10   |
| (3) Copied material, each page  | .50  |
| (4) Annulment of record   | 40   |
| (5) Certification of attestation  | 2  |
| IV. The fee schedule for the probate courts shall be as follows:  |  |
| (a) Petition to prove will in common or solemn form<br>(administration required)  | 75   |
| (b) Petition for appointment of administrator   | 50   |
| (c) Petition for appointment of guardian of the person<br>or estate, or both, pursuant to RSA 464-A and 465<br>(not including minors) | 50   |
| (d) Petition for appointment of conservator   | 50   |
| (e) Petition for appointment of trustee   | 75   |
| (f) Petition for termination of parental rights   | 50   |
| (g) Petition for partition of real estate   | 100  |
| (h) Petition to file and record authenticated copy<br>of will   | 75   |
| (i) Petition for adoption   | 50   |
| (j) Petition for change of name   | 50   |
| (k) Petition for appointment of guardian of the person,<br>or guardian of the person or estate, or both,<br>of a minor                | 50   |
| (l) Filing of interim accounts  | 75   |
| (m) Petition for marriage waiver  | 50   |
| V. The registers' fees shall be as follows:   |  |
| (a) Citations and publications (not including<br>publication costs) shall not exceed  | \$ 7   |
| (b) Certificates  | 7  |
| (c) Certified copies  | 5  |
| (d) Attested copies   | 1  |
| (e) Authenticated copies  | 10   |
| (f) Copy of will  | \$2 for first page and \$.50<br>for each additional page |
| (g) Late notice to fiduciaries, per page  | 10   |

|  |     |
|--|-----|
| (h) List of decedents, per name              | 1   |
| (i) Marriage waivers                         | 6   |
| (j) All other photocopied material, per page | .50 |

VI. The supreme court shall establish by rule an equitable fee schedule for all fees not covered under this section.

2 Reference Removed. Amend RSA 490:27 to read as follows:

490:27 Probate Court Fees. Probate court fees as established [by the supreme court] under RSA 490:26-a shall be paid to the register for the benefit of the state.

3 Reference to Supreme Court Deleted. Amend RSA 499:18, I to read as follows:

I. Fees as established [by the supreme court] under RSA 490:26-a shall be paid to the clerk of the superior court for the benefit of the state.

4 Reference to Supreme Court Deleted. Amend RSA 502-A:28, I to read as follows:

I. Fees as established [by the supreme court] under RSA 490:26-a shall be paid to the clerk of each district court for the benefit of the state.

5 Reference to Supreme Court Deleted. Amend RSA 548:23-a, I to read as follows:

I. Entry fees as established [by the supreme court] under RSA 490:26-a shall be paid to the register of probate for the benefit of the state.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill specifies the fees to be charged in the state court system.

Rep. Lozeau spoke against the amendment.

Rep. Jasper spoke in favor and yielded to questions.

On a division vote, 225 members voted in the affirmative, 106 in the negative, the amendment was adopted.

Report adopted.

Ordered to third reading.

**HB 622-FN**, relative to a debt management plan. **OUGHT TO PASS WITH AMENDMENT.**

This bill is an attempt to "raise the consciousness" of the Legislature to the long-term effect of tax-supported debt. As amended, the bill requires a 3/5 vote of the Legislature if the total tax-supported debt service in any year on all funded projects exceeds 10 percent of the previous year's unrestricted revenue. Additionally, the Legislative Budget Assistant would be required to include in the fiscal note for capital projects an estimate of the debt service incurred. Vote 19-0. Rep. Donald O. Crutchley for Ways and Means.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Debt Management. Amend RSA by inserting after chapter 6-B the following new chapter:

#### CHAPTER 6-C DEBT MANAGEMENT

6-C:1 Definitions. In this chapter, "net tax supported debt" of the state means the principal amount of any bonds, notes (excluding revenue anticipation or other temporary notes payable no later than one year from their dates), loans, leases in excess of 5 years or other evidence of indebtedness, excluding refinanced debt, which has been

authorized but not yet repaid or otherwise cancelled, for whatever period or purpose incurred, for which debt service payments are either:

I. Made directly by the state from taxes and other unrestricted general fund revenues, unless, and then only to the extent that, specific revenues are segregated or pledged for such debt service payments; or

II. Guaranteed by the state, unless, and then only to the extent that:

(a) Specific revenues are segregated or pledged for such debt service payments; or

(b) The guaranteed indebtedness is either a general obligation of a municipal corporation, for the payment of which property taxes may be levied, or is otherwise self-supporting.

#### 6-C:2 Affordable Debt Limit.

I. The general court shall not authorize any additional net tax supported debt of the state if the debt service on such additional net tax supported debt, when added to the debt service on any previously authorized net tax supported debt, both issued and unissued, exceeds 10 percent of the unrestricted general fund revenues for the previous fiscal year.

II. The general court may only exceed the ceilings in paragraph I by a 3/5 vote of each house present and voting.

2 Debt Service Fiscal Impact. Amend RSA 14:46, III to read as follows:

III. The fiscal impact note shall include:

(a) An estimate of the anticipated impact of the bill on state or city or town or county fiscal liability or revenues, including any charge in taxable valuation; [and]

(b) Whether or not there is a federal mandate for a proposed program[.]; *and*

(c) *The impact on debt service for any bill which proposes additional bonded debt for capital projects including;*

*(1) The amount of all outstanding general fund bonded indebtedness on behalf of and incurred by the state during the last completed fiscal year; and*

*(2) A debt retirement schedule for all outstanding general fund bonded indebtedness including the bill's bonded indebtedness for the following 2 bienniums.*

3 Effective Date. This act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill prohibits the general court from authorizing any additional net tax supported debt where such debt, under certain circumstances, would exceed 10 percent of unrestricted general fund revenues.

The bill requires any fiscal impact note prepared by the legislative budget assistant to indicate the impact which a bill has on debt services involving additional bonded debt for capital projects. The fiscal note shall also include the amount of all outstanding general fund bonded indebtedness incurred on behalf of and by the state during the last completed fiscal year and a debt retirement schedule for all outstanding general fund bonded indebtedness including the bonded indebtedness of the bill for the following 2 bienniums.

Adopted.

Rep. Sytek offered a floor amendment.

#### Floor Amendment

Amend RSA 6-C:2, II as inserted by section 1 of the bill by replacing it with the following:



II. The general court may only exceed the ceiling in paragraph I by a 3/5 vote of each house present and voting. Such 3/5 vote shall only apply to votes on final passage and adoption of committee of conference reports.

Rep. Donna Sytek spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**HB 649-FN**, relative to roadside litter cleanup. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 649 had all of its original language removed and has become the vehicle for reducing the cigarette tax from 25-cents to 21-cents per pack. New Hampshire has seen its share of the cigarette market erode significantly since we raised our tax. As a result, we did not meet our revenue projections. It is the belief of the Committee that by lowering our tax we can regain some of that market, and at the very least, we hope that our revenues will not decline any further. If our neighboring states raise their rates, we will see growth in this source of revenue. Vote 16-3. Rep. Shawn N. Jasper for Ways and Means.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the cigarette tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Cigarette Tax Decreased. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [25] 21 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

2 Applicability. This act shall apply to the purchase of stamps or the application of stamps, or both, by machine on or after July 1, 1991.

3 Effective Date. This act shall take effect July 1, 1991; except that the commissioner of the department of revenue administration shall establish procedures to verify the tobacco stamp metering machine settings as of the close of business June 30, 1991.

#### **AMENDED ANALYSIS**

This bill decreases the cigarette tax from \$.25 to \$.21 per package.

Adopted.

Report adopted.

Ordered to third reading.

**HB 764-FN**, relative to taxation of special fuel and motor fuel and imposing a floor tax on special fuel. **INEXPEDIENT TO LEGISLATE.**

This bill would change the method of collecting the diesel tax. Currently, trucks file quarterly payments of tax owed for miles traveled in New Hampshire, while passenger cars annually pay an amount equal to double their registration fee. Under the bill,

the tax would instead be collected at the pump and truckers could file for a refund quarterly. An undetermined, but probably small amount of revenue would be received from those who are now fraudulently avoiding the tax. However, there was ample testimony that any revenue gain would be more than offset by losses in Business Profits Tax, and in the cigarettes, beer, and meals taxes. After careful consideration of the broad state-revenue impact, as well as the effect on New Hampshire businesses, the Committee voted 16-3 to retain the current system. Rep. Frederick G. Ahrens for Ways and Means.

Adopted.

**HB 800-FN-A**, relative to the general revenues of the state. **INEXPEDIENT TO LEGISLATE**.

This is an omnibus bill relative to the general revenues of the state and was voted Inexpedient to Legislate by the Committee. This bill contains many suggestions for raising revenue. Only two portions showed merit and they appear in other bills: (1) the decrease in the cigarette tax, and (2) the fees to be charged in the state court system. Vote 20-0. Rep. Barbara E. Arnold for Ways and Means.

Rep. Record moved that the words Ought to Pass with Amendment, be substituted for the report of the Committee, Inexpedient to Legislate and spoke to her motion.

Rep. DePecol spoke against and yielded to questions.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Soldati spoke against and yielded to questions.

Rep. Ward spoke in favor.

Rep. Cowenhoven spoke in favor and yielded to questions.

Rep. Salatiello spoke in favor.

Roll call request sufficiently seconded.

The question being on the substitute motion.

#### YEAS 138

#### NAYS 209

#### YEAS 138

#### BELKNAP

Accornero, Harry  
Hawkins, Robert S.  
Rosen, Ralph J.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Salatiello, Thomas B.  
Vogler, Charles C.

Dewhirst, Glenn E.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.  
Ziegler, Alice S.

#### CARROLL

Allard, Nanci A.  
Foster, Robert W.

Beach, Mildred A.  
Wiggin, Gordon E.

Bradley, Jeb E.

#### CHESHIRE

Cole, Stacey W.  
Hunt, John B.  
Pearson, Gertrude B.

Grodin, Richard A.  
Metzger, Katherine H.  
Perry, David M.

Hogan, James B.  
Morse, Jo Ann T.  
Sawyer, Alfred P.

#### COOS

Buckley, C. Fitzgerald  
Merrill, Gerald P.

Guay, Lawrence J.  
Pratt, Leighton C.

Horton, Lynn C.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.

Arnesen, Deborah L.  
Brown, Patricia B.  
Lougee, Richard W.  
Scanlan, David M.  
Ward, Kathleen W.

Bean, Pamela B.  
Christy, C. Dana  
McIlwaine, Deborah P.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Cowenhoven, Garret P.  
Ferguson, Charles  
Gagnon, Eugene L.  
Holden, Carol H.  
Leclerc, Charles J.  
Martin, Mary Ellen  
McNerney, Daniel P.  
Record, Alice B.  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.

Alukonis, David J.  
Baker, George H., Sr.  
Desrosiers, William J.  
Ferlan, Arthur P.  
Gagnon, Gabrielle V.  
Jasper, Shawn N.  
Lefebvre, Roland J.  
Mason, Howard F.  
McRae, Karen K.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Upton, Barbara A.

Amidon, Eleanor H.  
Calawa, Leon, Jr.  
Durham, Susan B.  
Ford, Nancy M.  
Goulet, Maurice E.  
Kurk, Neal M.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Perham, Lester R.  
Sallada, Roland A.  
Steiner, Lee Anne  
Wheeler, Robert L.

**MERRIMACK**

Anderson, Eleanor M.  
Chandler, Earle W.  
Fillion, Paul R.  
Hall, Douglas E.  
Kidder, William F.  
Millard, Elizabeth S.

Boucher, Laurent J.  
Chandler, John P.  
Gross, Caroline L.  
Hayes, Robert C.  
Lewis, Mary Ann  
Nichols, Avis B.

Carter, Susan D.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Hill, Michael J.  
Lockwood, Robert A.  
Stapleton, Henry F.

**ROCKINGHAM**

Benton, Richardson D.  
Clark, Martha Fuller  
Cote, Patricia L.  
Felch, Charles H., Sr.  
Hoelzel, Kathleen M.  
Klemarczyk, Thaddeus E.  
Smith, Arthur W.  
Warburton, Calvin

Boucher, William P.  
Connell, David R.  
Dowd, Sandra K.  
Flanders, David A.  
Hynes, Carolyn E.  
McKinney, Betsy  
Sytek, Donna P.  
Weyler, Kenneth L.

Buco, Stephen W.  
Cooke, Annette M.  
Dowling, Patricia A.  
Ford, Bert H.  
Johnson, Robert A.  
Skinner, Patricia M.  
Sytek, John J.

**STRAFFORD**

Appleby, James E.  
Frechette, Roland A.  
Nehring, William H.

Bickford, Drucilla  
Kinney, Paula J.  
Spencer, Leo J.

Foss, Patricia H.  
Martling, W. Kent  
Torr, Ann M.

**SULLIVAN**

Behrens, Thomas A.  
Rodeschin, Beverly T.

Domini, Irene C.  
Schotanus, Merle W.

Flint, Gordon B.  
Stamatakis, Carol M.

**NAYS 209****BELKNAP**

Bartlett, Gordon E.  
Joscelyn, William W.

Cain, Thomas G.  
Maviglio, Steven R.

Johnson, Carl R.  
Zaharchuk, Peter J., Jr.

**CARROLL**

Chandler, Gene G.  
Dodge, A. Gibb, Jr.

Daly, Robert J., Jr.  
Jean, Robert R.

Dickinson, Howard C.  
Saunders, Howard N.

**CHESHIRE**

Champagne, Richard L.  
Crutchley, Donald O.  
Foster, Katherine D.  
LaMar, David M.  
Pratt, Irene A.

Clark, Eugene W.  
DePecol, Benjamin J.  
Kennison, Wayne A.  
Laurent, John J.  
Riley, William A.

Cole, Kenneth A.  
Feuer, Joseph N.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Spear, Susan S.

**COOS**

Brungot, Catherine V.  
Kilbride, Dennis J.  
Oliver, Terry D.

Coulombe, Henry W.  
Mayhew, Josephine  
Theriault, Romeo J.

Hawkinson, Marie C.  
Nelson, Harold D.

**GRAFTON**

Chambers, Mary P.  
Guest, Robert H.  
Markley, J. Keith  
Stewart, Roger D.

Dow, David  
LaMott, Paul I.  
Nordgren, Sharon L.  
Teschner, Douglass P.

Driscoll, William J.  
Larson, Nils H., Jr.  
Shackett, Ralph E.  
White, Paul R.

**HILLSBOROUGH**

Andrews, Frederick B.  
Bourque, Ann J.  
Burke, Stephen J.  
Cook, Valerie S.  
Daigle, Robert A.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Fenton, James J.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Jean, Romeo W.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lozeau, Donnalce M.  
Messier, Irene M.  
Nardi, Theodora P.  
Packard, Bonnie B.  
Peters, Stanley W.  
Riley, Frances L.  
Stiles, Walter A.  
White, John M.

Baldizar, Barbara J.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cote, David E.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Elliott, Larry G.  
Fields, Dennis H.  
Green, Scott E.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Johnson, Lionel W.  
Kelley, Robert N.  
Lawrence, Eva M.  
McDowell, James E.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Turgeon, Roland M.  
Wright, George W.

Baroody, Benjamin C.  
Buckley, Raymond  
Clemons, Jane A.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Greenglass, Alan B.  
Hall, Betty B.  
Healy, Walter F.  
Keane, Cornelius J.  
King, Frank P.  
Lawrence, Norman B.  
Mercer, Robert S.  
Murphy, Robert E.  
Ouellette, Robert O.  
Pepino, Leo P.  
Rheault, Lillian I.  
Soucy, Donna M.  
Wheeler, David K.



**MERRIMACK**

Apple, Lowell D.  
Christie, Thomas J.  
Gilbreth, Robert M.  
Johnson, Joyce M.  
Smith, Gerald R.  
Teague, Bert

Asplund, Bronwyn L.  
Daneault, Gabriel J.  
Jacobson, Alf E.  
Letourneau, George E.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Barberia, Richard A.  
Dunn, Miriam D.  
Johnson, C. William  
Molner, Mary E.  
Stio, Peter M.  
Yeaton, Charles B.

**ROCKINGHAM**

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Christie, Andrew, Jr.  
DiPietro, Carmela M.  
Flanagan, Natalie S.  
Greene, Elizabeth A.  
Hurst, Sharleene P.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.  
McGovern, Cynthia A.  
Raynowska, Bernard J.  
Schanda, Joseph, Sr.  
Simon, Peter M.  
Terninko, Margaret B.  
Welch, David A.

Bell, Juanita L.  
Caswell, Albert, Jr.  
Chulack, Peter G., Sr.  
Drake, Herbert R.  
Flanders, Harry E.  
Gribsch, Linda  
Hutchinson, Karen K.  
Keith, Brenda E.  
MacDonald, Joseph A.  
McCain, William F.  
Palazzo, Frank J.  
Roulston, Donald L.  
Senter, Marilyn P.  
Splaine, John E., Sr.  
Thayer, Leroy C.  
Woods, Deborah L.

Brown, Jeffrey M.  
Chase, Lawrence A., Jr.  
Coffey, John J.  
Dube, LeRoy S.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Kane, Cecelia D.  
Klemm, Arthur P., Jr.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Pantelakos, Laura C.  
Rubin, George R.  
Seward, Russell G.  
Syracusa, Anthony  
Vaughn, Charles L.

**STRAFFORD**

Brown, Julie M.  
Flynn, Edward J.  
Hashem, Elaine M.  
Kincaid, William K.  
O'Brien, John  
Sullivan, Henry P.  
Wheeler, Katherine W.

Corte, Arthur B.  
Gilmore, Gary R.  
Jankowski, Peter M.  
Marston, Robert E.  
Pageotte, Donald P.  
Vincent, Francis C.  
Young, John B.

Douglass, Clyde J.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Merrill, Amanda A.  
Pelley, Janet R.  
Wall, Janet G.

**SULLIVAN**

Allison, David C.  
Krueger, Richard H.  
Peyron, Fredrik

Burling, Peter Hoe  
Lindblade, Eric N.  
Tetu, Michael A.

Harland, Jane A.  
Middleton, John A.  
Walsh, Robert R.

and the motion failed.

Rep. Pignatelli abstained from voting under Rule 16.

The question now being the adoption of the committee report.

Rep. Jacobson spoke to the bill.

Rep. Douglas Hall spoke to the bill and yielded to questions.

Adopted.

**REMARKS**

Rep. Rosen moved that the remarks of Rep. Kurk be printed in the permanent journal.

Adopted.

Rep. C. William Johnson: Rep. Kurk, I don't see anything in there, but is that meant to be a tax on ham radio operators also, which is a non-profit type thing which is done for pleasure and sometimes for emergency services?

Rep. Kurk: As long as these folks are not charging for their services, and they don't, at least the kind of ham operators I know about, they are not at all subject to this tax.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Soldati moved that the House reconsider HB 800.

Reconsideration failed

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 9, 1991 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 107-FN**, relative to registration fees for dams.

**HB 114-FN**, relative to the date for terminating the motor vehicle emissions inspection program.

**HB 143-FN**, relative to the liquor commission's authority to close liquor stores.

**HB 258**, to extend the lapse date for the phase V prison construction appropriation.

**HB 275-FN-A**, establishing a permanent heritage collections committee and a New Hampshire heritage trust fund, continually appropriating funds in the trust fund to the committee, and making an appropriation therefor.

**HB 328-A**, relative to a new Manchester district court facility and making an appropriation therefor.

**HB 393-A**, relative to preliminary designs, an environmental impact statement for improving access to the Manchester airport, re-establishing a legislative task force and making an appropriation therefor.

**HB 427-A**, relative to additional improvements on Gosling Road and making an appropriation therefor.

**HB 448-A**, appropriating funds for environmental and engineering design studies for the Ledyard Bridge in Hanover and making an appropriation therefor.

**HB 488-FN**, relative to the flexible spending programs.

**HB 608-FN**, relative to the law enforcement authority of forest rangers and officials of the division of forests and lands.

**HB 611-FN**, relative to plastic holding devices used in packaging.

**HB 688**, relative to the Mount Washington Regional and the Berlin Municipal Airports.

**HB 146-FN-A**, relative to the rate of the business profits tax.

**HB 322**, relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes.

**HB 353-FN-A**, to tax smokeless tobacco and making an appropriation therefor.

**HB 378-FN-A**, relative to determining reasonable compensation under the business profits tax.

**HB 592-FN-A**, relative to court fees.

**HB 622-FN**, relative to a debt management plan.

**HB 649-FN**, relative to the cigarette tax.

Rep. Michael Hill moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 4:22 p.m.

RECESS

Rep. Gross moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 17**

Tuesday, April 9, 1991

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by Guest Chaplain, the Reverend Carolyn Keilig of the First Congregational Church of Concord.

God of all people, we call upon You to be present with us today. Guide this legislative body in the tasks they have before them, granting each the compassionate wisdom needed to make difficult decisions. We give You thanks for the freedoms that we enjoy, and ask that the actions we take reflect Your will. In our service to the people of this state, may we receive Your blessing. Amen.

Rep. Theriault led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Walsh, Bernard, Feuerstein, Swope, Parr, Ackerman, Leclerc, Elizabeth Greene, Anderson, Parks, Holmes, Baker, Larochelle and Doucette, the day, illness.

Reps. David Young (military service), Fair, Annette Cooke, Vincent, Apple, C. William Johnson, Corte, Alukonis, Cain, Dyer, Stamatakis and William McCann, the day, important business.

**INTRODUCTION OF GUESTS**

Joyce Beairsto, wife of House Chaplain Henry Beairsto; Susanne Herbordt, niece of Rep. Ziegler; Kathryn Stanitski, Suzanne Hill, Ron Wilson, sister, wife and friend of Rep. Michael Hill; Fourth grade class from St. Mary's School, Franklin, guests of the Franklin Delegation.

**COMMUNICATION**

Harold W. Burns, Speaker of the House

On behalf of the men and women of New Hampshire serving with the Mobile Inshore Undersea Warfare Unit 202 in the Persian Gulf, I wish to extend our sincere gratitude for your unanimous support. House Concurrent Resolution No. 4 has been posted for all unit members to see, underscoring the broad based support of the American people.

The citizens of New Hampshire can be justifiably proud of the devotion to duty and professionalism exhibited by their friends, neighbors and family serving America with honor.

Thank you and all members of the New Hampshire House of Representatives for your continuing support.

Very respectfully,

L.W. Pollock, Commander,

U.S. Navy Reserve

Mobile Inshore Undersea Warfare Unit 202

**EXTENSION**

The Committee on Legislative Administration requested a 14-calendar-day extension on SB 15, relative to special identification of legislation that amends existing revenue statutes which send all or part of certain revenues to subdivisions of the state.

Granted.



**VACATES**

Rep. Hager moved that the House vacate the reference of **SB 64-A**, relative to the superior courthouse in Nashua and making an appropriation therefor to the Committee on Appropriations.

Adopted, and referred to Public Works.

Rep. Hager moved that the House vacate the reference of **SB 72-FN-A**, establishing and continually appropriating a fund for the purchase of vaccines to the Committee on Appropriations.

Adopted, and referred to Health, Human Services and Elderly Affairs.

Rep. Hager moved that the House vacate the reference of **SB 172-FN-A**, establishing a committee to study the board and care rates for residents of enhanced family care facilities to the Committee on Appropriations.

Adopted, and referred to Health, Human Services and Elderly Affairs.

Rep. Hager moved that the House vacate the reference of **SB 214-FN**, exempting specialized programs or equipment of the Christa McAuliffe planetarium from the state's competitive bidding process to the Committee on Appropriations.

Adopted, and referred to Executive Departments and Administration.

A Budget Briefing was presented by the House Committee on Appropriations.

Rep. Hager spoke to the budget in general.

Rep. Channing Brown spoke to Division I.

Rep. Schotanus spoke to Division II.

Rep. Douglas Hall spoke to Division III.

**(Speaker Burns in the chair)**

Rep. Hager spoke to higher education.

Rep. Hager and Channing Brown yielded to questions.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 202-FN**, to extend the time period within which a corporation may reinstate its charter, relative to revival of charters of voluntary corporations, and reviving the charter of the Bristol Federated Church

Rep. Flanagan moved that the House concur. (Amendment printed in SJ 15)

Adopted.

**NONCONCURRENCE**

**HB 141-FN**, relative to limiting the mode of taking deer in Dover.

**HB 219-FN**, establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital, including the Walker building, for certain state offices.

**HB 331-FN**, establishing a legislative oversight committee on children.

**HB 347-FN**, restricting the taking of deer in the city of Somersworth.

**HB 392-FN**, relative to payment of child support.

**CONCURRENCE**

**HB 106-FN**, establishing a committee to study the feasibility of an enhanced state-wide uniform emergency 911 telephone system.

**HB 132-FN**, reclassifying portions of certain highways in the town of Sandwich.

**HB 138-FN**, relative to spousal support.

**HB 167-FN**, relative to airman certificates and fees.

**HB 240**, relative to the disposition of the Kona Wildlife Management Area.

**HB 253-FN**, naming a certain segment of U.S. Route 202 the General Isaac Davis White highway.

**HB 288-FN**, establishing a study committee on premature births.

**HB 290-FN**, relative to the sale of hunting licenses.

**HB 333**, relative to notification of insurance cancellation.

**HB 402**, relative to placing lime and wood ash on farmland.

**HB 414**, relative to unfair claim settlement practices.

**HB 459**, relative to notice received by the wetlands board from local conservation commissions.

**HB 491-FN**, relative to the collection of the normal yield tax in unincorporated towns and unorganized places.

**HB 531-FN**, relative to personal care for the severely physically disabled.

**HB 656-FN**, relative to criminal mischief.

**HB 703-FN**, relative to the negligent discharge of firearms.

**HB 711-FN**, extending the reporting date for the committee to study child care in public and private sector buildings.

### **SPECIAL ORDER**

**HB 64-FN-A**, to impose a nuclear electricity generation tax. **OUGHT TO PASS WITH AMENDMENT.**

The amendment is the bill. The bill imposes a property tax at a rate of 1/2 percent on nuclear power plants, effective July 1, 1991, raising \$17.5 million annually. The Committee amendment modifies the Governor's property-tax proposal by continuing the utilities franchise tax (retaining \$8 million annually) and eliminating the property tax credit against the Business Profits Tax. Of the almost \$18 million of new money raised, approximately 2/3 will be paid by out-of-state interests. The Committee carefully studied the constitutional issues and believes the Committee changes have buttressed the bill's constitutionality, as well as substantially increasing the revenue contained in the Governor's proposal. Vote 17-3. Rep. Robert C. Hayes for Ways and Means.

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to establishing a tax on nuclear station property  
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Tax on Nuclear Station Property. Amend RSA by inserting after chapter 830C the following new chapter:

#### **CHAPTER 83-D**

#### **TAX ON NUCLEAR STATION PROPERTY**

83-D:1 Declaration of Purpose and Findings. The general court finds:

1. Nuclear station property is the only property in the state that generates electricity from the fission of atoms.

II. Creating electricity from the fission of atoms imposes unique responsibilities on the state.

III. A nuclear station creates special and unique public safety requirements and burdens on the state.

IV. A nuclear station has a unique and long lasting impact on the environment which creates burdens on the state.

V. Accordingly, in the exercise of authority under Part II, Article 6 of the constitution of New Hampshire, the general court concludes that nuclear station property constitutes a distinct class of property that is appropriately subject to taxation as such by the state, to help defray the public charges of government, as provided in this chapter.

83-D:2 Nuclear Station Property Defined. For the purposes of this chapter, nuclear station property means the land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

83-D:3 Tax Imposed. A tax is imposed upon the value of nuclear station property at the rate of .5 percent of valuation, to be assessed annually as of April 1 and paid in accordance with this chapter.

83-D:4 Valuation. The commissioner of revenue administration shall determine the valuation of a nuclear station property. For the purposes of this chapter, the commissioner shall appraise nuclear station property using the standard established pursuant to RSA 75:1.

83-D:5 Persons Liable. The tax imposed by this chapter shall be assessed upon each person with an ownership interest in nuclear station property, in the proportion that such person's ownership interest bears to the entirety of the ownership in the property.

83-D:6 Returns and Declarations.

I. On or before January 15 each year, each person shall file with the commissioner of revenue administration, on a form prescribed by the commissioner, a return based on the valuation for April 1 of the prior year. The return shall be accompanied by the payment of such amount as has not been prepaid in accordance with paragraph III of this section. If the return shows an additional amount to be due, such additional amount is due and payable at the time the return is filed. If such return shows an overpayment of the tax due, a credit against a subsequent payment or payments due, to the extent of the overpayment, shall be allowed.

II. On or before April 15 of each year, each person liable to pay the tax imposed by this chapter shall file with the commissioner, on a form prescribed by the commissioner, a statement setting forth the amount of its ownership interest as of April 1. The statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury. The statement shall be accompanied by the payment of such amount as has not been prepaid in accordance with paragraph III of this section.

III. At the time the statement required by paragraph II is filed, each person liable for the tax shall, in addition, file a declaration of the estimated tax to be assessed as of April 1 in the current calendar year, based on the tax assessed for the preceding calendar year, accompanied by payment of 1/4 of the estimated tax due. Additional payments of 1/4 of the estimated tax shall be made on June 15, September 15 and December 15.

IV. As of June 1 of each year the principal owner of a nuclear station shall file a list of the changes made to the nuclear station property since the prior April 1. This statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury.

V. Taxes and estimated taxes not paid when due shall be subject to appropriate penalties and interest under RSA 21-J.

83-D:7 Records.

I. Every person liable for tax under RSA 83-D:5 shall:

(a) Keep such records as may be necessary to determine the amount of his liability under this chapter.

(b) Preserve such records for the period of at least 3 years or until any litigation or prosecution under this chapter is finally determined.

(c) Make such records available for inspection by the commissioner of revenue administration or his authorized agents, upon demand, at reasonable times during regular business hours.

II. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

83-D:8 Tax Payable for 1991. For the calendar year 1991, the tax imposed by this chapter shall be deemed to have been assessed as of April 1, 1991. No later than 30 days after the effective date of this chapter, each person liable for the tax shall file with the commissioner of revenue administration a statement setting forth the amount of the person's ownership interest and a list of the changes made to the nuclear station property since the prior April 1. Liability for the tax payable for 1991 is limited to 1/2 of the amount that would otherwise be due. Payments of estimated tax are due on September 15 and December 15, 1991. Liability for the tax payable for 1991 is limited to 1/2 of the amount that would otherwise be due. For purposes of this section, estimated tax payments shall be based upon the valuation determined by the department of revenue administration in 1990. Any overpayment or underpayment under RSA 83-D, by a person defined in RSA 83-D:5, shall be reconciled pursuant to RSA 83-D:6, I.

83-D:9 Adjustments; Procedure. The commissioner of revenue administration is empowered to determine whether there has been error in the assessment of the tax imposed by RSA 83-D:3 in accordance with the following provisions:

I. The person may demand such a determination in writing, within 30 days after the tax was due.

II. After hearing, if requested by the person, the commissioner shall affirm or shall increase or decrease the tax assessed. Any increase ordered by the commissioner shall be assessed against the person and shall carry interest as prescribed in RSA 21-J:28. Any decrease ordered by the commissioner shall, with interest pursuant to RSA 21-J:28 from the date the tax was paid, be credited against any unpaid tax then due from the person, and any balance due the person shall be certified to the state treasurer who shall pay the balance to the person. Such credit and payment together shall not exceed the amount of the tax originally paid.

83-D:10 Appeal. Within 30 days after notice of any adjustment of tax by the commissioner of revenue administration under RSA 83-D:9, a person may appeal the commissioner's determination either by written application to the board of tax and land appeals or by petition to the superior court in the county in which the person has



a place of business or resident agent. The board of tax and land appeals or the superior court, as the case may be, shall determine the correctness of the commissioner's action de novo.

83-D:11 Administration.

I. The commissioner of revenue administration shall collect the taxes, interest, additions to tax and penalties imposed under this chapter. The commissioner shall determine the expense of administration of this chapter and shall certify and pay over to the state treasurer the amount of remaining balance of the funds collected under this chapter after the expenses of administration have been deducted.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The administration of the tax imposed under RSA 83-D:3; and

(b) The recovery of any tax, interest on tax, or penalties imposed by RSA 83-

D.

III. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax or the penalties imposed by this chapter.

IV. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by this chapter shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to him. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw his warrant for the purchase price out of any money in the treasury not otherwise appropriated.

V. The commissioner may take the oath of any person in the course of any hearing authorized under RSA 83-D:9, II. In connection with hearings, the commissioner and taxpayer have the power to compel attendance of witnesses and the production of books, records, papers, vouchers, accounts or other documents. The commissioner and taxpayer may take the depositions of witnesses residing within or without the state pertaining to any matter under this chapter, in the same way as depositions of witnesses are taken in civil actions in the superior court. Fees of witnesses shall be the same as those allowed to witnesses in the superior court and in the case of witnesses summoned by the commissioner shall be considered as an expense of administration of this chapter.

VI. Any notice required by this chapter to be given by the commissioner to a taxpayer shall be made by first class mail to the last known address of the taxpayer, but in the case of hearings, notice shall be given at least 10 days before the date of the hearing and by certified mail.

2 Appropriation. The sum of \$19,091 for the fiscal year ending June 30, 1992, and the sum of \$14,693 for the fiscal year ending June 30, 1993, are hereby appropriated to the department of revenue administration for the purpose of administering the tax imposed in section 1 of this act. These sums shall be in addition to any other funds appropriated to the department of revenue administration. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill imposes a tax of .5 percent of valuation upon the value of nuclear station property. The tax is assessed upon each person with an ownership interest in such property, on a proportional basis.

Nuclear station property is defined as land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

The bill makes appropriations for fiscal year 1992 and for fiscal year 1993, for the purpose of administering the tax.

Rep. Donna Sytek spoke against the committee amendment and yielded to questions.

Amendment failed.

Rep. Hayes offered a floor amendment.

**Floor Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to establishing a tax on nuclear station property  
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Tax on Nuclear Station Property. Amend RSA by inserting after chapter 83-C the following new chapter:

**CHAPTER 83-D****TAX ON NUCLEAR STATION PROPERTY**

83-D:1 Declaration of Purpose and Findings. The general court finds:

I. Nuclear station property is the only property in the state that generates electricity from the fission of atoms.

II. Creating electricity from the fission of atoms imposes unique responsibilities on the state.

III. A nuclear station creates special and unique public safety requirements and burdens on the state.

IV. A nuclear station has a unique and long lasting impact on the environment which creates burdens on the state.

V. Accordingly, in the exercise of authority under Part II, Article 6 of the constitution of New Hampshire, the general court concludes that nuclear station property constitutes a distinct class of property that is appropriately subject to taxation as such by the state, to help defray the public charges of government, as provided in this chapter.

83-D:2 Nuclear Station Property Defined. For the purposes of this chapter, nuclear station property means the land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

83-D:3 Tax Imposed. A tax is imposed upon the value of nuclear station property at the rate of .64 percent of valuation, to be assessed annually as of April 1 and paid in accordance with this chapter.

83-D:4 Valuation. The commissioner of revenue administration shall determine the valuation of nuclear station property. For the purposes of this chapter, the commis-

sioner shall appraise nuclear station property using the standard established pursuant to RSA 75:1.

83-D:5 Persons Liable. The tax imposed by this chapter shall be assessed upon each person with an ownership interest in nuclear station property, in the proportion that such person's ownership interest bears to the entirety of the ownership in the property.

83-D:6 Application of Credit. If the person liable for the tax imposed by this chapter is a member of a unitary business within the meaning of RSA 77-A:1, XIV, then the entire amount of the tax due under this chapter shall be allowed as a credit pursuant to RSA 77-A:5, I, against the tax liability of such unitary business under RSA 77-A.

83-D:7 Returns and Declarations.

I. On or before January 15 each year, each person shall file with the commissioner of revenue administration, on a form prescribed by the commissioner, a return based on the valuation for April 1 of the prior year. The return shall be accompanied by the payment of such amount as has not been prepaid in accordance with paragraph III of this section. If the return shows an additional amount to be due, such additional amount is due and payable at the time the return is filed. If such return shows an overpayment of the tax due, a credit against a subsequent payment or payments due, to the extent of the overpayment, shall be allowed.

II. On or before April 15 of each year, each person liable to pay the tax imposed by this chapter shall file with the commissioner, on a form prescribed by the commissioner, a statement setting forth the amount of its ownership interest as of April 1. The statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury. The statement shall be accompanied by the payment of such amount as has not been prepaid in accordance with paragraph III of this section.

III. At the time the statement required by paragraph II is filed, each person liable for the tax shall, in addition, file a declaration of the estimated tax to be assessed as of April 1 in the current calendar year, based on the tax assessed for the preceding calendar year, accompanied by payment of 1/4 of the estimated tax due. Additional payments of 1/4 of the estimated tax shall be made on June 15, September 15 and December 15.

IV. As of June 1 of each year the principal owner of a nuclear station shall file a list of the changes made to the nuclear station property since the prior April 1. This statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury.

V. Taxes and estimated taxes not paid when due shall be subject to appropriate penalties and interest under RSA 21-J.

83-D:8 Records.

I. Every person liable for tax under RSA 83-D:5 shall:

(a) Keep such records as may be necessary to determine the amount of his liability under this chapter.

(b) Preserve such records for the period of at least 3 years or until any litigation or prosecution under this chapter is finally determined.

(c) Make such records available for inspection by the commissioner of revenue administration or his authorized agents, upon demand, at reasonable times during regular business hours.

II. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

83-D:9 Tax Payable for 1991. For the calendar year 1991, the tax imposed by this chapter shall be deemed to have been assessed as of April 1, 1991. For purposes of such assessment, the valuation of nuclear station property shall not exceed \$3,500,000,000. No later than 30 days after the effective date of this chapter, each person liable for the tax shall file with the commissioner of revenue administration a statement setting forth the amount of the person's ownership interest and a list of the changes made to the nuclear station property since the prior April 1. Payments of estimated tax are due on September 15 and December 15, 1991. Liability for the tax payable for 1991 is limited to 1/2 of the amount that would otherwise be due. For purposes of this section, estimated tax payments shall be based upon a valuation of nuclear station property equal to \$3,500,000,000. Any overpayment or underpayment under RSA 83-D, by a person defined in RSA 83-D:5, shall be reconciled pursuant to RSA 83-D:7, I.

83-D:10 Adjustments; Procedure. The commissioner of revenue administration is empowered to determine whether there has been error in the assessment of the tax imposed by RSA 83-D:3 in accordance with the following provisions:

I. The person may demand such a determination in writing, within 30 days after the tax was due.

II. After hearing, if requested by the person, the commissioner shall affirm or shall increase or decrease the tax assessed. Any increase ordered by the commissioner shall be assessed against the person and shall carry interest as prescribed in RSA 21-J:28. Any decrease ordered by the commissioner shall, with interest pursuant to RSA 21-J:28 from the date the tax was paid, be credited against any unpaid tax then due from the person, and any balance due the person shall be certified to the state treasurer who shall pay the balance to the person. Such credit and payment together shall not exceed the amount of the tax originally paid.

83-D:11 Appeal. Within 30 days after notice of any adjustment of tax by the commissioner of revenue administration under RSA 83-D:10, a person may appeal the commissioner's determination either by written application to the board of tax and land appeals or by petition to the superior court in the county in which the person has a place of business or resident agent. The board of tax and land appeals or the superior court, as the case may be, shall determine the correctness of the commissioner's action de novo.

83-D:12 Administration.

I. The commissioner of revenue administration shall collect the taxes, interest, additions to tax and penalties imposed under this chapter. The commissioner shall determine the expense of administration of this chapter and shall certify and pay over to the state treasurer the amount of remaining balance of the funds collected under this chapter after the expenses of administration have been deducted.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The administration of the tax imposed under RSA 83-D:3; and

(b) The recovery of any tax, interest on tax, or penalties imposed by RSA 83-D.

III. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax or the penalties imposed by this chapter.

IV. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes,



except that the tax imposed by this chapter shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to him. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw his warrant for the purchase price out of any money in the treasury not otherwise appropriated.

V. The commissioner may take the oath of any person in the course of any hearing authorized under RSA 83-D:10, II. In connection with hearings, the commissioner and taxpayer have the power to compel attendance of witnesses and the production of books, records, papers, vouchers, accounts or other documents. The commissioner and taxpayer may take the depositions of witnesses residing within or without the state pertaining to any matter under this chapter, in the same way as depositions of witnesses are taken in civil actions in the superior court. Fees of witnesses shall be the same as those allowed to witnesses in the superior court and in the case of witnesses summoned by the commissioner shall be considered as an expense of administration of this chapter.

VI. Any notice required by this chapter to be given by the commissioner to a taxpayer shall be made by first class mail to the last known address of the taxpayer, but in the case of hearings, notice shall be given at least 10 days before the date of the hearing and by certified mail.

2 Business Profits Tax; Credit Allowed for Tax on Nuclear Station Property. Amend RSA 77-A:5 by inserting after paragraph V the following new paragraph:

VI. Taxes paid pursuant to RSA 83-D.

3 Franchise Tax; Public Utility Redefined. Amend RSA 83-C:1, II to read as follows:

II. "Public utility" means every person, partnership, association and corporation except municipal corporation, engaged within this state in the manufacture, generation, distribution, transmission, or sale of gas [or electric energy].

4 Franchise Tax; Gross Receipts Redefined. Amend RSA 83-C:1, IV to read as follows:

IV. "Gross receipts" means all receipts received or accrued of the public utility from the sale of gas [or electricity] pursuant to franchises granted by this state. Gross receipts do not include receipts from sales of gas [or electricity] for use outside the state, or receipts from sales of gas [or electricity] to another public utility which is also subject to the payment of this tax.

5 Appropriation. The sum of \$19,091 for the fiscal year ending June 30, 1992, and the sum of \$14,693 for the fiscal year ending June 30, 1993, are hereby appropriated to the department of revenue administration for the purpose of administering the tax imposed in section 4 of this act. These sums shall be in addition to any other funds appropriated to the department of revenue administration. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect July 1, 1991.

## AMENDED ANALYSIS

This bill imposes a tax of .64 percent of valuation upon the value of nuclear station property. The tax is assessed upon each person with an ownership interest in such property, on a proportional basis.

Nuclear station property is defined as land, buildings, structures, tunnels, machinery, dynamos, apparatus, poles, wires, nuclear fuel and fixtures of all kinds and descriptions used in generating, producing, supplying and distributing electric power or light from the fission of atoms, exclusive of transmission lines.

The bill makes appropriations for fiscal year 1992 and for fiscal year 1993, for the purpose of administering the tax.

The bill allows a credit against the tax due under the business profits tax for taxes paid pursuant to the tax on nuclear station property.

The bill also redefines "public utility" and "gross receipts" under the franchise tax to exclude utilities which generate or sell electricity from the tax.

Rep. Gross spoke in favor.

Rep. Dunn spoke against.

Rep. Chambers spoke in favor.

Rep. Jeffrey Brown spoke against and yielded to questions.

Reps. Vogler and Hayes spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being on the floor amendment.

## YEAS 285

## NAYS 58

YEAS 285  
BELKNAP

Accornero, Harry  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.  
Ziegler, Alice S.

Bartlett, Gordon E.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Turner, Robert H.

Dewhirst, Glenn E.  
Johnson, Carl R.  
Salatiello, Thomas B.  
Vogler, Charles C.

## CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Allen R.

Bradley, Jeb E.  
Dickinson, Howard C.  
Jean, Robert R.  
Wiggin, Gordon E.

## CHESHIRE

Champagne, Richard L.  
Crutchley, Donald O.  
Foster, Katherine D.  
Hunt, John B.  
Laurent, John J.  
Morse, Jo Ann T.  
Pratt, Irene A.

Clark, Eugene W.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Cole, Stacey W.  
Feuer, Joseph N.  
Hogan, James B.  
LaMar, David M.  
Metzger, Katherine H.  
Perry, David M.  
Spear, Susan S.

## COOS

Brungot, Catherine V.  
Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Whitcomb, Henry F., Jr.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Trelfa, Richard T.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Scanlan, David M.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Buckley, Raymond  
Cook, Valerie S.  
Crotty, Edward J.  
Dodge, Emma M.  
Drolet, Paul L.  
Elliott, Larry G.  
Ferguson, Charles  
Ford, Nancy M.  
Gagnon, Gabrielle V.  
Green, Scott E.  
Hanselman, Gregory L.  
Hultgren, David D.  
Johnson, Lionel W.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lefebvre, Roland J.  
McDowell, James E.  
Mercer, Robert S.  
Murphy, Robert E.  
Packard, Bonnie B.  
Peters, Stanley W.  
Riley, Frances L.  
Sallada, Roland A.  
Soucy, Donna M.  
Tarpley, Nancy L.  
Upton, Barbara A.  
White, John M.

Amidon, Eleanor H.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Cote, David E.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gage, Ruth E.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Healy, Daniel J.  
Jasper, Shawn N.  
Keane, Cornelius J.  
Kurk, Neal M.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Messier, Irene M.  
Nardi, Theodora P.  
Pepino, Leo P.  
Record, Alice B.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Steiner, Lee Anne  
Tate, Joan C.  
Vanderlosk, Stanley R.

Andrews, Frederick B.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Fenton, James J.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Jean, Romeo W.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Perham, Lester R.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Smith, Leonard A.  
Stiles, Walter A.  
Turgeon, Roland M.  
Wheeler, Robert L.

**MERRIMACK**

Asplund, Bronwyn L.  
Braiterman, Thea  
Chandler, John P.  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, Joyce M.  
Lewis, Mary Ann

Barberia, Richard A.  
Carter, Susan D.  
Daneault, Gabriel J.  
Hager, Elizabeth S.  
Hill, Michael J.  
Kidder, William F.  
Lockwood, Robert A.

Boucher, Laurent J.  
Chandler, Earle W.  
Fillion, Paul R.  
Hall, Douglas E.  
Jacobson, Alf E.  
Letourneau, George E.  
Millard, Elizabeth S.

Molner, Mary E.  
Soldati, Jennifer G.  
Teague, Bert  
Whittemore, James A.

Nichols, Avis B.  
Stapleton, Henry F.  
Trombly, Rick A.

Smith, Gerald R.  
Stio, Peter M.  
Wallner, Mary Jane

### ROCKINGHAM

Barnes, John S., Jr.  
Buco, Stephen W.  
Coffey, John J.  
Cote, Patricia L.  
Dowling, Patricia A.  
Flanders, David A.  
Ford, Bert H.  
Hoar, John, Jr.  
Hutchinson, Karen K.  
Kane, Cecelia D.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
McCarthy, John J., Jr.  
Pantelakos, Laura C.  
Senter, Merilyn P.  
Skinner, Patricia M.  
Syracusa, Anthony  
Terninko, Margaret B.  
Welch, David A.

Benton, Richardson D.  
Chulack, Peter G., Sr.  
Connell, David R.  
DiPietro, Carmela M.  
Drake, Herbert R.  
Flanders, Harry E.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Hynes, Carolyn E.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Magoon, Harold F.  
McGovern, Cynthia A.  
Rubin, George R.  
Seward, Russell G.  
Smith, Arthur W.  
Sytek, Donna P.  
Tufts, Arthur  
Woods, Deborah L.

Boucher, William P.  
Clark, Martha Fuller  
Conroy, Janet M.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Griebsch, Linda  
Hurst, Sharleene P.  
Johnson, Robert A.  
Keith, Brenda E.  
Lovejoy, Virginia K.  
McCain, William F.  
McKinney, Betsy  
Schmidtchen, Rowland H.  
Simon, Peter M.  
Splaine, John E., Sr.  
Sytek, John J.  
Vaughn, Charles L.

### STRAFFORD

Bickford, Drucilla  
Flynn, Edward J.  
Hambrick, Patricia A.  
Kinney, Paula J.  
Merrill, Amanda A.  
Nehring, William H.  
Torr, Ann M.  
Wheeler, Katherine W.

Brown, Julie M.  
Foss, Patricia H.  
Hashem, Elaine M.  
Marston, Robert E.  
Messier, Donald R.  
Pelley, Janet R.  
Tsiros, William  
Young, John B.

Douglass, Clyde J.  
Gilmore, Gary R.  
Keans, Sandra B.  
Martling, W. Kent  
Musler, George T.  
Spencer, Leo J.  
Wall, Janet G.

### SULLIVAN

Behrens, Thomas A.  
Flint, Gordon B.  
Middleton, John A.  
Schotanus, Merle W.

Burling, Peter Hoc  
Krueger, Richard H.  
Peyron, Fredrik

Domini, Irene C.  
Lindblade, Eric N.  
Rodeschin, Beverly T.

### NAYS 58 BELKNAP

Campbell, Richard H., Jr.  
Maviglio, Steven R.

Golden, Paul A.  
Zaharchuk, Peter J., Jr.

Joscelyn, William W.

### CHESHIRE

Burnham, Daniel M.  
Riley, William A.

Colc, Kenneth A.

Kennison, Wayne A.

### COOS

Coulombe, Henry W.

Theriault, Romeo J.



**GRAFTON**

Dow, David

Markley, J. Keith

White, Paul R.

**HILLSBOROUGH**

Baldizar, Barbara J.

Bourque, Ann J.

Clemons, Jane A.

Daniels, Gary L.

Desrochers, Gerard T.

Drabinowicz, A. Theresa

Haettenschwiller, Alphonse

Hall, Betty B.

Healy, Walter F.

Kuchinski, Steve

Lozeau, Donnalee M.

Martin, Mary Ellen

Ouellette, Robert O.

Paquette, Rodolphe G.

Rothhaus, Finlay C.

Wheeler, David K.

Wright, George W.

**MERRIMACK**

Christie, Thomas J.

Dunn, Miriam D.

Gilbreth, Robert M.

Jelley, Francis D.

Weeks, John F., Jr.

Yeaton, Charles B.

**ROCKINGHAM**

Brown, Jeffrey M.

Caswell, Albert, Jr.

Dube, LeRoy S.

Falwell, Robert V.

Felch, Charles H., Sr.

MacKinnon, Nancy W.

Malcolm, Kenneth W.

Packard, Sherman A.

Palazzo, Frank J.

Raynowska, Bernard J.

Rosencrantz, James R.

Schanda, Joseph, Sr.

Thayer, Leroy C.

Warburton, Calvin

Weyler, Kenneth L.

**STRAFFORD**

Frechette, Roland A.

Kincaid, William K.

O'Brien, John

Sullivan, Henry P.

Torr, Ralph W.

**SULLIVAN**

Allison, David C.

and the amendment was adopted.

Reps. Pignatelli and Marilyn Campbell abstained from voting under Rule 16.

The question was on the amended Committee report.

Rep. Dube spoke against.

Amended report adopted.

Ordered to third reading

**REMARKS**

Rep. Larson moved that the remarks of Rep. Gross be printed in the Permanent Journal.

Adopted.

Rep. Gross: Thank you Mr. Speaker, Members of the House: I rise in support of the floor amendment to HB 64, the so-called Hayes floor amendment which, by a unanimous vote of the Ways and Means Committee this morning, has now turned into the Ways and Means Floor Amendment. This was the amendment that was mailed to you last Friday separate from your House Calendar and so you have seen it before. Very often we Special Order things with the hope that it will be possible to return with a compromise amendment; this was indeed the case in this situation. The proposals we had last week, the Committee amendment, the Vogler amendment and the Governor's proposal had a great many things in common but they needed to have a few more things agreed to before they had a chance of passing this House and the amendment that you have before you today does have widespread support. It is carefully worded to be a property tax in order to avoid certain things we know about court decisions on certain other types of taxes on electric utilities. Specifically, Congress has passed a

very strict law that deals with taxing generating capacity or transmission lines. This is the so-called New Mexico court decision, a United States Supreme Court decision, that a New Mexico tax which had to do with generation or transmission of electricity interstate was not constitutional and that is why we do not have a tax for you today that is on generating capacity or deals with interstate transmission. We also have a New Hampshire Supreme Court advisory opinion from 1978 issued in reply from a question from this House. The question they were asked was, "Can you just tax electric utilities that have generating capacities over 500 kilowatts?", i.e. Seabrook. The answer they gave back was, "No, electricity is electricity and if you are going to tax electrical generating plants that generate electricity, you have to treat them all the same." The Court did hint in its opinion that it might be possible to establish a separate class called nuclear plants and that is what this bill does. This bill creates a tax on the property of nuclear plants. At the time we only have one, but if we had three it would tax all three of them the same way. At the present time under RSA 83:C, electric and gas public utilities pay a franchise tax, one percent of gross receipts, and this is paid by in-state electric and gas companies only. Municipal utilities are exempt from direct assessment of the franchise tax and these municipal utilities are: Ashland, Littleton, New Hampton, Wolfeboro and Woodsville. They pay the equivalent of the franchise tax when they purchase power wholesale, most likely from Public Service Co. of NH, but they do not pay the tax twice. They pay it through their wholesale purchases rather than being assessed directly. All New Hampshire in-state electric utilities pay this tax which includes not only the big ones, Public Service Co. of NH and the N.H. Electric Co-op, but it also includes, because we are treating electric utilities the same except the municipals, Concord Electric, Connecticut Valley, Exeter and Hampton and Granite State. The Seabrook Nuclear Plant is owned by 12 joint owners. Two of these are New Hampshire electric utilities which now pay the franchise tax. Ten are out-of-state utilities that do not. HB 64 would treat all 12 joint owners of Seabrook the same. It would impose a nuclear property tax at the rate of .64% that would be paid equally whether the owners were in New Hampshire or were not in New Hampshire. HB 64 would not increase rates for in-state customers because the same bill that imposes the new tax repeals the old franchise tax. It is just about a wash, that is why the rate was set at .64% and so if you have constituents who are customers of PSNH or the Co-op, they should see no appreciative difference in their bill whether we do it one way or we do it the other way. This is true of the municipals as well - it is not the intent of this bill that they pay a pass through on both the franchise tax and the new tax. As was the case with the old tax, it is the intention that they will pay in their purchase of wholesale for the new tax and not for both taxes and that for their customers also this will be a wash. In the process of putting together HB 64, if we were to repeal the franchise tax for the Co-op and for PSNH, in order that the new tax be a rough wash with what they were paying under the old tax, we also had to repeal the franchise tax for the other electric utilities in New Hampshire, and so, if you have constituents who are customers of Concord Electric, Connecticut Valley, Exeter and Hampton and Granite State, the repeal of the franchise tax they now pay should have a positive effect on their electric bills. We urge you to support this agreed-upon amendment which is the result of a great deal of work by a great many New Hampshire people, particularly Rep. Hayes who followed this through and consulted with almost everybody you could think of to consult. The compromise amendment has wide-spread support as you will see today. It is not a partisan amend-

ment. It has the support of the Governor, it has the support of House Leadership, it has the support of the Ways and Means Committee and it has the support of the leadership of the Committee on Science and Technology. Thank you.

### REMARKS

Rep. Weyler moved that the question by Rep. Jeffrey Brown and the response by Rep. Hayes be printed in the Journal.

On a division vote, 191 members having voted in the affirmative and 150 in the negative, the motion was adopted.

Rep. Jeffrey Brown: Rep. Hayes, are you telling this body, for the record, that this bill will have no effect whatsoever on the Town of Seabrook's tax rate and that is going to be the legislative intent? Is that correct?

Rep. Hayes: Your question as I understood it was this bill would have no effect on the Town of Seabrook taxes, and I can assure you that this bill will not, for the record.

### REGULAR CALENDAR

**HB 35-A**, making appropriations for capital improvements. (A) OUGHT TO PASS WITH AMENDMENT.

The amendment adds the Police Standards and Training Center, the Hazardous Waste Superfund match, and money for Lebanon Airport. It removes \$100,000 for the Technical Institute parking lot because the Planetarium does not have the money. The most important change is that the Committee accepts the Governor's recommendation to bond the aid to municipalities for water pollution control pursuant to the provisions of the Federal Clean Water Act of 1977 by adding \$13,590,000 to this capital budget. The Committee does this reluctantly, but finds, as the Governor did, that the money is not available from the operating budget. Vote 19-2. Rep. Elizabeth S. Hager for Appropriations.

### Amendment

Amend the bill by replacing sections 1-2 with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies and branches named:

#### I. Adjutant General

|                                       |            |
|---------------------------------------|------------|
| A. Replace 2 roofs *                  | \$ 130,000 |
| Total state appropriation paragraph I | \$ 130,000 |

#### II. Administrative Services

|   |              |
|---|--------------|
| A. Repair State House dome  | \$ 250,000   |
| B. Hillsborough county superior court and<br>Concord district court furnishings*                  | 1,250,000    |
| C. Land acquisition, design, construction, and<br>furnishings of Rockingham county superior court | 11,165,000   |
| D. State House elevator repairs   | 200,000      |
| Total state appropriation paragraph II  | \$12,865,000 |

#### III. Environmental Services

|  |              |
|--|--------------|
| A. Match state water pollution revolving loan fund                   | \$ 5,131,074 |
| B. Winnepesaukee river basin project (sewage system<br>improvements) | 292,000      |
| C. Hazardous waste superfund match                                   | 1,500,000    |
| D. Grants - RSA 486  | 13,590,000   |
| Total state appropriation paragraph III                              | \$20,513,074 |

|   |              |
|---|--------------|
| IV. Executive - State Planning  |              |
| A. Land conservation program  | \$ 7,000,000 |
| Total state appropriation paragraph IV                                      | \$ 7,000,000 |
| V. Health and Human Services  |              |
| A. New Hampshire hospital   |              |
| 1. Philbrook health and safety  | 225,000      |
| Total subparagraph A  | \$ 225,000   |
| B. Glencliff home for the elderly   |              |
| 1. Replace fire hydrant *   | \$ 40,000    |
| 2. Replace sewer lines *  | 30,000       |
| 3. Slip proof tunnels *   | 32,000       |
| 4. Design, construction, and furnishings of<br>75-bed nursing home facility | \$ 5,350,000 |
| Total subparagraph B  | \$ 5,452,000 |
| C. Division for Children and Youth Services                                 |              |
| 1. Rewire administration building - YDC *                                   | \$ 160,000   |
| 2. Repair roof on administration building - YDC *                           | 45,000       |
| 3. Hook up sewer in administration building - YDC *                         | 50,000       |
| 4. Asbestos removal or containment - YDC *                                  | 50,000       |
| 5. Locks and cylinders - YDC *  | 55,000       |
| 6. Air handling - Tobey building, N.H. hospital                             | 100,000      |
| Total subparagraph C  | \$ 460,000   |
| D. Division of public health services                                       |              |
| 1. Laboratory modernization   | \$ 250,000   |
| 2. Radiological laboratory update   | 130,000      |
| Total subparagraph D  | \$ 380,000   |
| E. Office of alcohol and drug abuse prevention                              |              |
| 1. Tirrell House *  | \$ 57,000    |
| Total subparagraph E  | \$ 57,000    |
| Total state appropriation paragraph V                                       | \$ 6,574,000 |
| VI. Liquor Commission   |              |
| A. Roof replacement *   | \$ 162,000   |
| Total state appropriation paragraph VI                                      | \$ 162,000   |
| VII. Postsecondary Technical Education                                      |              |
| A. NHTC - Manchester  |              |
| 1. Phase II rehabilitation of Knox Building                                 | \$ 1,830,000 |
| 2. Electric laboratory station  | 325,000      |
| Total subparagraph A  | \$ 2,155,000 |
| B. NHTC - Berlin  |              |
| 1. Roof replacement *   | \$ 45,000    |
| 2. Office simulation lab *  | 90,000       |
| 3. Cad cam lab *  | 161,376      |
| Total subparagraph B  | \$ 296,376   |
| C. NHTC - Nashua  |              |
| 1. 25 station IBM personal computer lab *                                   | \$ 87,200    |
| Total subparagraph C  | \$ 87,200    |



|   |              |
|---|--------------|
| D. NHTC - Claremont   |              |
| 1. Technical lab *  | \$ 241,000   |
| Total subparagraph D  | \$ 241,000   |
| E. NHTC - Laconia   |              |
| 1. Computer lab *   | \$ 156,334   |
| 2. Automobile technical lab   | \$ 100,000   |
| Total subparagraph E  | \$ 256,334   |
| F. NHTI - Concord   |              |
| 1. Parking lot  | \$ 1,000,000 |
| Less police standards share   | -200,000     |
| Net appropriation subparagraph F  | \$ 800,000   |
| Total state appropriation paragraph VII   | \$ 3,835,910 |
| VIII. Resources and Economic Development  |              |
| A. Division of parks  |              |
| 1. Repairs and renovations system-wide for<br>major deferred projects   | \$ 1,000,000 |
| Total subparagraph A  | \$ 1,000,000 |
| (The funds appropriated in subparagraph VIII, A, 1 shall not be spent, obligated,<br>or encumbered until such time as the department of resources and economic develop-<br>ment has developed an action plan and received the approval of such plan from the<br>capital budget overview committee.) |              |
| B. Ski operations   |              |
| 1. Cannon - snowmaking  | \$ 600,000   |
| 2. Cannon - replace snowmaking pipe   | 150,000      |
| 3. Sunapee - air compressor   | 250,000      |
| 4. Sunapee - move and expand rental shop  | 93,000       |
| 5. Sunapee - intake valve   | 250,000      |
| Total subparagraph B  | \$ 1,343,000 |
| Total state appropriation paragraph VIII  | \$ 2,343,000 |
| IX. Department of Safety  |              |
| A. Glendale deck repair   | \$ 350,000   |
| Total state appropriation paragraph IX  | \$ 350,000   |
| X. Department of Transportation   |              |
| A. Division of aeronautics  |              |
| 1. Skyhaven - runway/taxi   | \$ 164,000   |
| 2. Skyhaven - renovate administration building  | 85,000       |
| 3. State required 5 percent - 10 percent match for<br>FAA - approved airport priority projects  | 500,000      |
| 4. Lebanon Airport - reconstruction of runway<br>72-5, extend taxiway to runway 7, expand<br>aircraft parking apron associated lighting<br>and other improvements   | 2,801,450    |

|  |                   |
|--|-------------------|
| Less Federal   | <u>-2,654,005</u> |
| Net appropriation, subparagraph 4<br>(state share - 5 percent) | <u>\$ 147,445</u> |
| Total subparagraph A   | \$ 896,445        |

(The funds appropriated in subparagraph X, A, 3 shall be for airport projects approved by the Federal Aviation Administration, which include the following projects: construction of aircraft parking apron, Concord; construction of perimeter road and installation of security fence, Nashua; expansion and improvement of aircraft parking apron, Concord; land acquisition, Manchester; land acquisition, Nashua; master plan update, Berlin; master plan update, Rochester; purchase crash, fire, and rescue equipment; purchase snow removal equipment, Lebanon; ramp and apron for new terminal, Manchester; reconstruct runway 7-25, Lebanon; and taxiway, apron, and lighting, Nashua.)

B. Division of public works

1. Underground tank removal

and replacement statewide

\$ 2,100,000

Less fish and game fund

-33,000

Less highway fund

-956,000

Net appropriation subparagraph B

\$ 1,111,000

Total state appropriation paragraph X

\$ 2,007,445

Total state appropriation section 1

\$55,780,429

\* To be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Repairs and renovations system-wide

\$ 5,000,000

(The funds appropriated in subparagraph A shall not be spent, obligated, or encumbered until such time as the university system of New Hampshire has developed an action plan and received the approval of such plan from the capital budget overview committee.)

B. Biological science center - Durham

30,000,000

Less Other (Donations, grants, etc.)

-15,000,000

Net appropriation subparagraph B

15,000,000

(No funds appropriated by subparagraph B shall be expended or encumbered in any way until the university system of New Hampshire certifies to the capital budget overview committee that it has raised and can account for \$15,000,000 or more in gifts, grants, donations, or pledges from sources other than the state, to be used for the construction of a biological science center on the Durham campus of the university system of New Hampshire, except that the university system of New Hampshire may, upon the raising of \$5,000,000, expend or encumber such funds for design and construction documents. The funds appropriated in subparagraph B shall constitute the total state share of completed construction costs of the biological science center. The university system of New Hampshire may use any gifts, grants, donations, or pledges in excess of its \$15,000,000 share of the construction toward the costs of construction.)

C. Public television equipment replacement \*

500,000

Total state appropriation section 2

\$20,500,000

\* To be 5-year bonds.

Amend the bill by replacing all after section 5 with the following:

6 Appropriation; Postsecondary Technical Education - Police Standards and Training. The sums hereinafter detailed are hereby appropriated for the projects specified:

|                                 |              |
|---------------------------------|--------------|
| A. Range/tactical/dorm facility | \$ 4,960,000 |
|---------------------------------|--------------|

|                                     |              |
|-------------------------------------|--------------|
| Total state appropriation section 6 | \$ 4,960,000 |
|-------------------------------------|--------------|

7 Port Authority; Dredging. Amend 1987, 399:1, VII, as amended by 1989, 367:26, to read as follows:

VII. Port Authority

|                             |           |
|-----------------------------|-----------|
| A. Dredging pier (N.W. end) | \$ 66,000 |
|-----------------------------|-----------|

|  |            |
|--|------------|
| B. Dredging of Portsmouth Harbor and<br>the Piscataqua River | 18,700,000 |
|--|------------|

|              |             |
|--------------|-------------|
| Less federal | -14,000,000 |
|--------------|-------------|

|                               |           |
|-------------------------------|-----------|
| Net appropriation paragraph B | 4,700,000 |
|-------------------------------|-----------|

|   |              |
|---|--------------|
| Total state appropriation paragraph VII | \$ 4,766,000 |
|---|--------------|

(The appropriation for the water improvement project in paragraph VII, B shall be used to widen the maneuvering area between the 2 vertical lift bridges from 600 feet to a maximum of 1,000 feet [and]; widen by 100 feet the northern limit of the channel adjacent to Badgers Island[.]; *and widen the southern limit of the channel at the eastern end of Goat Island southeast of Henderson Point from 400 to 550 feet.* Section 21 of this act contains additional costs associated with this project.

8 Increase Bond Authorization; Dam Maintenance Fund. Amend RSA 482:56 to read as follows:

482:56 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 482:55, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$4,200,000] **\$5,700,000** and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

|                                     |              |
|-------------------------------------|--------------|
| Total state appropriation section 8 | \$ 1,500,000 |
|-------------------------------------|--------------|

9 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, 4, 5, 6, and 8 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

10 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

11 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4, 5, 6, and 8 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$99,824,179 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. In order to provide funds to pay the cost of issuing the bonds authorized by this section, the state treasurer may issue bonds up to 102 percent of the authorized amounts. The proceeds from the additional bonds may be used only for the purpose of paying such issuance costs.

12 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds issued for projects in:

(a) section 3 shall be made from the highway fund.

(b) section 4 shall be made from the fish and game fund.

(c) section 5 shall be made from the port authority revenues.

(d) section 6 shall be made from the police standards and training council training fund.

(e) section 8 shall be made from the dam maintenance fund.

13 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds and notes issued for the purpose of section 2.

14 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4, 5, 6, and 8 except the land conservation program in section 1, IV, A and such land, if any, as may be acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of transportation with the approval of governor and council.



15 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier-free code requirements and energy conservation code requirements.

16 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, 4, 5, 6, and 8 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 1 shall be reduced by the same amount.

17 Transfers. The individual project appropriations provided in sections 1, 3, 4, 5, 6, and 8 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget oversight committee is obtained.

18 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, 4, 5, 6, and 8 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 11 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

19 Port Authority Bonds and Notes. Amend 1985, 409:11, IV to read as follows:

IV. To provide funds for the purposes of section 7, the rehabilitation of Barker wharf, the state treasurer is hereby authorized to borrow upon the credit of the state in the amount of \$375,000 and for that purpose shall issue [revenue] bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the New Hampshire port authority revenues. Prior to issuance of the bonds or notes authorized hereunder, the treasurer may, for the purpose of this section, borrow money from time to time on short-term loans which may be refunded by the issuance of the bonds or notes hereunder; provided, however, that at no time shall indebtedness on such short-term loans exceed the sum of \$375,000.

20 Maturity of New Hampshire Technical Institute Bonds. Amend 1988, 164:2 to read as follows:

164:2 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding \$3,467,000, and may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, except that, notwithstanding the provisions of RSA 6-A:2, such bonds shall have a maturity of *up to* 30 years from the date of issue.

### 21 Lapse Dates Extended.

I. The appropriation made to the department of corrections in 1988, 224:1, I, A for phase V prison construction, as amended by 1989, 367:27, I, is hereby extended to June 30, 1993. Authorization is hereby granted to expend the remaining funds of approximately \$2,000,000 to renovate Laconia developmental services buildings for use as a drug and alcohol treatment center and boot camp for approximately 300 minimum and medium security prison inmates and to renovate a facility for use by men and women as a halfway house.

II. The following appropriations are hereby extended to June 30, 1992:

(a) The appropriation made to the supreme court in 1989, 367:1, XI, A, for construction of Concord district court.

(b) The appropriation made to the department of revenue administration in 1989, 367:1, X, A, for computer hardware and software development.

(c) The appropriation made to the department of resources and economic development in 1987, 3:1, as amended by 1989, 137:1, for Hampton beach seawall improvements.

(d) The appropriation made to Laconia developmental services in 1989, 367:1, V, B, 2 for replacement of steam lines.

(e) The appropriation made to the department of administrative services in 1989, 367:1, II, A - C, relative to Londergan hall renovations, repair of state house dome, and Spaulding hall renovations.

(f) The appropriation made to the department of resources and economic development in 1988, 224:1, IV, D, for Hampton harbor dredging.

(g) The appropriation made to the department of environmental services in 1989, 367:1, IV, A, 1, for small watershed programs.

(h) The appropriation made to the university system of New Hampshire in 1989, 367:2, C-F, for academic buildings and Mason library renovations in Keene, design of biological lab and Dimond library shelving in Durham, and the cultural arts building in Plymouth.

(i) The appropriation made to the department of transportation in 1988, 152:1 for the additional hangar facilities at Skyhaven airport.

(j) The appropriations made to the aeronautics commission in 1981, 565:1, II as amended by 1983, 423:17, 1986, 211:18 and 1989, 367:27, II(j) for the Skyhaven airport and the Skyhaven audit fund.

(k) The appropriation made to the aeronautics commission in 1979, 435:1, III, E as amended by 1983, 423:16 and 1986, 211:14 for the Skyhaven airport.

(l) The appropriations made to the department of transportation in 1989, 367:1, XII, A, 1, 2, 3, and 4 for aeronautics projects.

(m) The appropriation made to the aeronautics commission in 1979, 435:1, III, E, as amended by 1983, 423:16 and 1986, 211:14, for Skyhaven.

22 Effective Date. This act shall take effect July 1, 1991.

Rep. Weyler requested that the question be divided.

The Speaker ruled that the question was divisible.

The question was on Section 1, II. C., Rockingham County Courthouse.

Rep. Weyler spoke against.

Reps. Hager and Flanders spoke in favor and yielded to questions.

Reps. Gene Chandler, Martling and LaMott spoke in favor.

Rep. Gross spoke in favor and yielded to questions.

On a division vote, 238 members having voted in the affirmative and 98 in the negative, Section 1, II. C., Rockingham County Courthouse was adopted.

The remainder of the amendment was adopted.

Rep. Gene Chandler offered a floor amendment.

### **Floor Amendment**

Amend paragraph III of section 1 of the bill by deleting subparagraph D.

Amend the total state appropriation paragraph III as inserted by section 1 of the bill by replacing it with the following:

|   |              |
|---|--------------|
| Total state appropriation paragraph III | \$ 6,923,074 |
|---|--------------|

Amend the total state appropriation for section 1 of the bill by replacing it with the following:

|                                     |              |
|-------------------------------------|--------------|
| Total state appropriation section 1 | \$42,190,429 |
|-------------------------------------|--------------|

Amend the bill by replacing section 11 with the following:

11 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4, 5, 6, and 8 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$86,234,179 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. In order to provide funds to pay the cost of issuing the bonds authorized by this section, the state treasurer may issue bonds up to 102 percent of the authorized amounts. The proceeds from the additional bonds may be used only for the purpose of paying such issuance costs.

Rep. Gene Chandler spoke in favor and yielded to questions.

Rep. LaMott spoke against.

Rep. Arnesen spoke in favor.

Rep. Douglas Hall spoke against.

Rep. Kurk spoke in favor.

Rep. Vaughn spoke against.

Rep. Stacey Cole spoke in favor.

Rep. Hager spoke against.

Roll call request sufficiently seconded.

The question being on the floor amendment.

### **YEAS 224**

### **NAYS 126**

#### **YEAS 224 BELKNAP**

Accornero, Harry  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Salatiello, Thomas B.

Bartlett, Gordon E.  
Golden, Paul A.  
Joscelyn, William W.  
Shibley, Arnold P.

Campbell, Richard H., Jr.  
Hawkins, Robert S.  
Rosen, Ralph J.  
Vogler, Charles C.

#### **CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Jean, Robert R.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Dickinson, Howard C.  
Saunders, Howard N.

**CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Hogan, James B.  
Kingsbury, H. Thayer  
Morse, Jo Ann T.  
Riley, William A.

Cole, Kenneth A.  
DePecol, Benjamin J.  
Hunt, John B.  
LaMar, David M.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Cole, Stacey W.  
Foster, Katherine D.  
Kennison, Wayne A.  
Laurent, John J.  
Perry, David M.  
Spear, Susan S.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Pratt, Leighton C.

Coulombe, Henry W.  
Marsh, Beaton

**GRAFTON**

Adams, Carl S.  
Chambers, Mary P.  
Driscoll, William J.  
Markley, J. Keith  
Shackett, Ralph E.

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Hill, Richard L.  
McIlwaine, Deborah P.  
White, Paul R.

Brown, Channing T.  
Dow, David  
Lougee, Richard W.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Andrews, Frederick B.  
Bourque, Ann J.  
Clemmons, Jane A.  
Crotty, Edward J.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Green, Scott E.  
Hall, Betty B.  
Jasper, Shawn N.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lefebvre, Roland J.  
Martin, Mary Ellen  
McNerney, Daniel P.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Peters, Stanley W.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.  
Wheeler, David K.

Baldizar, Barbara J.  
Buckley, Raymond  
Cook, Valerie S.  
Daniels, Gary L.  
Donovan, Francis X.  
Durham, Susan B.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Greenglass, Alan B.  
Healy, Daniel J.  
Jordan, Mary H.  
Kurk, Neal M.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
Mason, Howard F.  
McRae, Karen K.  
Ouellette, Robert O.  
Pepino, Leo P.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
Turgeon, Roland M.  
Wheeler, Robert L.

Baroody, Benjamin C.  
Chasse, Richard D.  
Cote, David E.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Fenton, James J.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Hultgren, David D.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Lozeau, Donnalee M.  
McDowell, James E.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Perham, Lester R.  
Riley, Frances L.  
Sallada, Roland A.  
Stiles, Walter A.  
Upton, Barbara A.  
Wright, George W.



**MERRIMACK**

Asplund, Bronwyn L.  
 Braiterman, Thea  
 Daneault, Gabriel J.  
 Kidder, William F.  
 Smith, Gerald R.  
 Stio, Peter M.  
 Whittemore, James A.

Barberia, Richard A.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Lockwood, Robert A.  
 Soldati, Jennifer G.  
 Trombly, Rick A.  
 Yeaton, Charles B.

Boucher, Laurent J.  
 Christie, Thomas J.  
 Hayes, Robert C.  
 Molner, Mary E.  
 Stapleton, Henry F.  
 Weeks, John F., Jr.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Boucher, William P.  
 Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Drake, Herbert R.  
 Felch, Charles H., Sr.  
 Ford, Bert H.  
 Hoar, John, Jr.  
 Kane, Cecelia D.  
 MacKinnon, Nancy W.  
 Melnick, Roy E.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Smith, Arthur W.  
 Warburton, Calvin  
 Woods, Deborah L.

Bell, Juanita L.  
 Brown, Jeffrey M.  
 Caswell, Albert, Jr.  
 Coffey, John J.  
 Dube, LeRoy S.  
 Flanders, David A.  
 Gage, Beverly A.  
 Hutchinson, Karen K.  
 Klemarczyk, Thaddeus E.  
 Malcolm, Kenneth W.  
 Packard, Sherman A.  
 Roulston, Donald L.  
 Schmidtchen, Rowland H.  
 Sytek, Donna P.  
 Welch, David A.

Benton, Richardson D.  
 Bucu, Stephen W.  
 Christie, Andrew, Jr.  
 Connell, David R.  
 Falwell, Robert V.  
 Flanders, Harry E.  
 Griebisch, Linda  
 Hynes, Carolyn E.  
 Klemm, Arthur P., Jr.  
 McKinney, Betsy  
 Pantelakos, Laura C.  
 Rubin, George R.  
 Seward, Russell G.  
 Terninko, Margaret B.  
 Weyler, Kenneth L.

**STRAFFORD**

Bickford, Drucilla  
 Gilmore, Gary R.  
 Kincaid, William K.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Tsiros, William

Douglass, Clyde J.  
 Hambrick, Patricia A.  
 Marston, Robert E.  
 Messier, Donald R.  
 Pelley, Janet R.  
 Wall, Janet G.

Frechette, Roland A.  
 Jankowski, Peter M.  
 McCann, William H., Jr.  
 O'Brien, John  
 Sullivan, Henry P.  
 Young, John B.

**SULLIVAN**

Allison, David C.  
 Flint, Gordon B.  
 Peyron, Fredrik

Burling, Peter Hoe  
 Krueger, Richard H.  
 Rodeschin, Beverly T.

Domini, Irene C.  
 Middleton, John A.

**NAYS 126****BELKNAP**

Holbrook, Robert G.  
 Turner, Robert H.

Maviglio, Steven R.

Rice, Thomas E. P., Jr.

**CARROLL**

Foster, Robert W.

**CHESHIRE**

Champagne, Richard L.  
 Grodin, Richard A.

Clark, Eugene W.  
 Lynch, Margaret A.

Feuer, Joseph N.  
 Metzger, Katherine H.

**COOS**

Guay, Lawrence J.  
Merrill, Gerald P.

Hawkinson, Marie C.  
Nelson, Harold D.

Mayhew, Josephine  
Theriault, Romeo J.

**GRAFTON**

Bean, Pamela B.  
LaMott, Paul I.  
Scanlan, David M.  
Trelfa, Richard T.

Brown, Patricia B.  
Larson, Nils H., Jr.  
Stewart, Roger D.  
Wadsworth, Karen O.

Christy, C. Dana  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Calawa, Leon, Jr.  
Desrosiers, William J.  
Ford, Nancy M.  
Gagnon, Gabrielle V.  
Hanselman, Gregory L.  
Jean, Romeo W.  
King, Frank P.  
Mercer, Robert S.  
Nardi, Theodora P.  
Rheault, Lillian I.  
Steiner, Lee Anne  
White, John M.

Amidon, Eleanor H.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Gage, Ruth E.  
Gosselin, Gerald O.  
Healy, Walter F.  
Johnson, Lionel W.  
Lawrence, Eva M.  
Messier, Irene M.  
Pignatelli, Debora B.  
Robinson, Ellen-Ann  
Tate, Joan C.

Arnold, Barbara E.  
Daigle, Robert A.  
Ferguson, Charles  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Keane, Cornelius J.  
McCann, Bonnie Lou  
Murphy, Robert E.  
Record, Alice B.  
Smith, Leonard A.  
Vanderlosk, Stanley R.

**MERRIMACK**

Carter, Susan D.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Jelley, Francis D.  
Lewis, Mary Ann  
Wallner, Mary Jane

Chandler, John P.  
Gross, Caroline L.  
Hill, Michael J.  
Johnson, Joyce M.  
Nichols, Avis B.

Fillion, Paul R.  
Hager, Elizabeth S.  
Jacobson, Alf E.  
Letourneau, George E.  
Teague, Bert

**ROCKINGHAM**

Chulack, Peter G., Sr.  
DiPietro, Carmela M.  
Flanagan, Natalie S.  
Hurst, Sharleene P.  
Keith, Brenda E.  
Magoon, Harold F.  
Palazzo, Frank J.  
Simon, Peter M.  
Syracusa, Anthony  
Tufts, Arthur

Conroy, Janet M.  
Dowd, Sandra K.  
Flanders, John W., Sr.  
Johnson, Robert A.  
Lovejoy, Virginia K.  
McCain, William F.  
Rosencrantz, James R.  
Skinner, Patricia M.  
Sytek, John J.  
Vaughn, Charles L.

Cote, Patricia L.  
Dowling, Patricia A.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
MacDonald, Joseph A.  
McCarthy, John J., Jr.  
Senter, Marilyn P.  
Splaine, John E., Sr.  
Thayer, Leroy C.

**STRAFFORD**

Appleby, James E.  
Foss, Patricia H.  
Kinney, Paula J.  
Spencer, Leo J.

Brown, Julie M.  
Hashem, Elaine M.  
Martling, W. Kent  
Torr, Ann M.

Flynn, Edward J.  
Keans, Sandra B.  
Nehring, William H.  
Wheeler, Katherine W.

## SULLIVAN

Behrens, Thomas A.            Lindblade, Eric N.            Schotanus, Merle W.  
and the floor amendment was adopted.  
Amended report adopted.  
Ordered to third reading.

**HB 53-FN-A**, establishing a continually appropriated state park fund and a ski area funding mechanism. (A) OUGHT TO PASS WITH AMENDMENT.

This bill establishes the New Hampshire state park and ski areas as an enterprise-type self-funded, accountable business entity to provide improved park and ski recreation facilities and services to New Hampshire citizens and tourists alike. Vote 21-0. Rep. Merle W. Schotanus for Appropriations.

## Amendment

Amend RSA 12-A:28 as inserted by section 1 of the bill by replacing it with the following:

12-A:28 Anticipated Revenue; Special Provisions. The commissioner may expend projected revenue from the state ski operations for the operation, servicing and maintenance of state ski area facilities to maximize state ski operation revenue only with the prior approval of the governor and council and the fiscal committee of the general court and such sum as approved is hereby appropriated.

Amend the bill by inserting after section 2 the following and renumbering original sections 3-5 to read as 5-7, respectively:

3 Beach Parking Facilities; Reference Added. Amend RSA 216:3, III to read as follows:

III. The balance of any funds in this special nonlapsing fund shall be lapsed at the close of each fiscal year to the [general] *state park* fund.

4 Purchases and Certain Expenses; References Added. Amend RSA 219:21, II to read as follows:

II. The operating costs of the ski school, ski rental and repair, souvenir, and food services concessions at [Franconia Notch state park, Mount Sunapee state park, and Mount Washington state park] *Mount Sunapee and Cannon Mountain ski areas and all state parks* shall be a direct charge against gross sales receipts. RSA 186-B:9-15 shall not apply to these facilities, but the department of resources and economic development may contract for the operation of these facilities with blind services or any other party to insure maximum benefits and revenues to the state of New Hampshire. The director of state ski operations under RSA 12-A:26, I shall make the purchases for Mount Sunapee and Cannon Mountain ski operations.

Amend the bill by replacing section 7 with the following:

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 1991.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a state park fund to provide an adequate level of service and maintenance in the state park system and to restore park facilities. The fund is continually appropriated to the commissioner of resources and economic development but may be expended only under certain circumstances.

This bill authorizes the commissioner of the department of resources and development, with the prior approval of the governor and council and the fiscal committee to expend projected revenue from state ski operations for the operation, servicing and maintenance of state ski operations to maximize revenue.

This bill permits the director, with the commissioner's approval, to charge different rates and fees depending upon snow and weather conditions.

This bill also requires that at the close of each fiscal year the balance of all funds from the beach parking facilities fund at Hampton Beach shall lapse to the state park fund.

This bill also requires that operating costs of the Mount Sunapee and Cannon Mountain ski areas and all state parks shall be a direct charge against gross sales receipts.

Adopted.

### SUSPENSION OF RULES

Reps. Gross and Chambers moved that the rules be so far suspended as to permit consideration, third reading and final passage at the present time of HB 53-FN-A, establishing a continually appropriated state park fund and a ski area funding mechanism.

Adopted by the necessary two-thirds.

Rep. Gross moved that HB 53-FN-A be read a third time and passed.

Adopted.

### Third reading and final passage

**HB 53-FN-A**, establishing a continually appropriated state park fund and ski area funding mechanism.

### REGULAR CALENDAR (continued)

**HB 57-FN**, relative to budget reductions which may be ordered by the governor. INEXPEDIENT TO LEGISLATE.

The Committee is unable to determine state expenditure impact. This broad ranging policy change should not be considered at this time. Vote 16-0. Rep. Charles W. Ferguson for Appropriations.

Adopted.

**HB 62-FN**, relative to retirement allowances under the New Hampshire retirement system. (A) OUGHT TO PASS.

The bill amends retirement system statute RSA 100-A by changing definition of "earnable compensation"; repeals fringe benefits for unclassified members who withdraw from the system and make contributions to an IRA; limits right of predecessor retirees to receive salary and full ordinary or accidental disability allowance when the retiree is engaged in gainful employment; and defines conditions which elected and appointed officials must meet to be eligible for retirement system. Vote 15-0. Rep. Stacey W. Cole for Appropriations.

Adopted.

Ordered to third reading.

**HB 157-FN**, relative to designating trauma care centers. INEXPEDIENT TO LEGISLATE.

Although this bill is laudable, the Committee felt that the Study Committee established by HB 162 and passed by the House should be allowed to complete its task before it begins the process of changing the present State Trauma System. Budget



constraints in the Department of Public Health suggests that there is a question as to the Department's capability of implementing a plan at this time. Vote 18-0. Rep. Douglas E. Hall for Appropriations.

Rep. Copenhaver spoke to the bill.

Rep. Douglas Hall spoke to the bill and yielded to questions.

Adopted.

Rep. Michael Hill abstained from voting under Rule 16.

**HB 161-FN**, to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement system. OUGHT TO PASS WITH AMENDMENT.

The amendment corrects wording which was not necessary concerning group I death benefits. It also puts in language setting a time certain for non-governmental employers and employees to terminate membership under the New Hampshire Retirement System, and to require the Retirement System to help those withdrawing and to help set up successor plans. Retirement funds of \$50,000 are appropriated to implement the changes. No general funds are appropriated. Vote 19-0. Rep. Charles W. Ferguson for Appropriations.

#### Amendment

Amend the bill by inserting after section 1 the following:

2 Contributions by Nongovernmental Employers and Employees.

I. Regarding those nongovernmental employers currently contributing to the system, in order to preserve the retirement system's tax exempt status as a governmental plan, such nongovernmental employers and employees shall be required to cease contributions, and those nongovernmental employees presently covered under the system shall cease to accrue benefits under the system, no later than June 30, 1991.

II. All benefits accrued to the time of withdrawal from the system shall be fully vested in such withdrawing nongovernmental employees and shall be no less than the accumulated benefit obligation. The system shall cooperate with withdrawing nongovernmental employers in their establishing successor retirement plans and shall cooperate in arranging for the transfer of such employee retirement benefits earned under the system to successor retirement plans where practicable.

Amend the bill by deleting section 5 and renumbering the original sections 2-4 and 6-9 to read as 3-9, respectively:

Amend the bill by replacing section 8 with the following:

8 Appropriation from Administrative Account. There is hereby appropriated the sum of \$50,000 from available amounts in the New Hampshire retirement system administrative account, as established under RSA 100-A:14, XIII for the purpose of implementing the provisions of sections 1, 2, 3, and 7 of this act. The board of trustees is authorized in its sole discretion to expend such funds as it deems necessary to implement the provisions of sections 1, 2, 3, and 7 of this act, including but not limited to the employment of temporary employees. Any unexpended funds from this appropriation shall lapse to the administrative account.

#### AMENDED ANALYSIS

This amendment requires that those employers permitted to participate under the New Hampshire retirement system shall be solely limited to the government of the state of New Hampshire or the governments of its political subdivisions, and any

agencies or instrumentalities thereof, for the purpose of maintaining the retirement system's tax exempt status as a qualified governmental pension plan meeting the requirements of sections 401(a) and 414(d) of the United States Internal Revenue Code of 1986, as amended. What constitutes a "government", "political subdivision", "agency" and or "instrumentality" for purposes of system coverage is necessarily defined with respect to applicable federal rather than state law.

Regarding those nongovernmental employers currently contributing to the system, in order to preserve the retirement system's tax exempt status as a governmental plan, such nongovernmental employers and employees shall be required to cease contributions, and those nongovernmental employees presently covered under the system shall cease to accrue benefits under the system, no later than June 30, 1991.

All benefits accrued to the time of withdrawal from the system shall be fully vested in such withdrawing nongovernmental employees, and the system shall cooperate with withdrawing nongovernmental employers in their establishing successor retirement plans and shall cooperate in arranging for the transfer of such employee retirement benefits earned under the system to successor retirement plans where practicable.

This bill extends the right to purchase such out-of-state service to employees of the federal government, but excludes any military service credit which is not otherwise authorized by statute.

The bill also changes the provisions for providing retirement benefits upon the death of a group II member after the member's retirement.

Adopted.

Report adopted.

Ordered to third reading.

**HB 193-FN**, authorizing the state to enter into a lease-purchase agreement with the town of Milford for a new district courthouse. OUGHT TO PASS.

Testimony stated that present and future rental agreements will be the same as the payment for the bond which the town of Milford would float for the land and building. Legislation is necessary to go ahead with negotiations with Milford. Vote 19-0. Rep. Charles W. Ferguson for Appropriations.

Adopted.

Ordered to third reading.

**HB 211-FN-A**, relative to administrative fees of the air resources division and continually appropriating such fees. (A) OUGHT TO PASS.

This bill clarifies the intent of RSA 125-C:12, IV, adopted in 1979, and establishes the non-lapsing Air Resources Fund. Vote 20-0. Rep. Raymond Buckley for Appropriations.

Adopted.

Ordered to third reading.

**HB 226-FN-A**, relative to reimbursing the Plymouth school district for certain expenses and making an appropriation therefor. (A) INEXPEDIENT TO LEGISLATE.

This bill would reimburse the Plymouth School District for expenses incurred in converting an AREA school plan to a cooperative school district pursuant to RSA 195-A:15. Enacted in 1963, this incentive for conversion has seldom been used. Although a small amount, the Committee feels that this conversion cost request taps

an open ended funding mechanism in the law which should be closed. Senate Bill 149, now in the House, could be used for this purpose. Vote 14-5. Rep. Charles L. Vaughn for Appropriations.

Rep. Paul White moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Rep. Vaughn spoke against.

Motion lost.

Report adopted.

**HB 239**, relative to approving reductions in expenditures for departments. OUGHT TO PASS.

Rep. Hager moved that HB 239 be made a Special Order for the end of the Calendar on April 11, 1991.

On a division vote, 224 members having voted in the affirmative and 114 in the negative, the motion was adopted.

**HB 261-FN**, relative to delays in processing applications for state public assistance. RE-REFER TO THE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS.

The Committee would like this bill to be re-referred to the Health, Human Services and Elderly Affairs Committee. At the public hearing there were a variety of ideas which came forth and the Committee would like that committee to hear this bill. Vote 16-2. Rep. Mary Jane Wallner for Appropriations.

Re-referred to Health, Human Services and Elderly Affairs.

**HB 262-FN**, revising hazardous waste facility permit fees. (A) OUGHT TO PASS.

This bill gives the Division of Waste Management the authority to assess a fee of \$5,000 for each permit application. In addition to the application fee the Division will also charge the applicant for all other costs at an hourly rate. Money received under RSA 147-A:4 shall be credited to the Hazardous Waste Clean-up Fund. Vote 21-0. Rep. Laurent J. Boucher for Appropriations.

Adopted.

Ordered to third reading.

**HB 296-FN-A**, establishing a state emergency response commission and making an appropriation therefor. (A) RE-REFER TO THE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY.

Rather than offer only \$1 appropriation, the Committee feels that by re-referring to Science, Technology and Energy the bill will be kept alive should federal monies become available during this session. Vote 19-0. Rep. Lee Anne Steiner for Appropriations.

Re-referred to Science, Technology and Energy.

**HB 310-FN**, increasing the hazardous waste transporter vehicle registration fee and establishing a hazardous waste fund. OUGHT TO PASS WITH AMENDMENT.

The bill increases the hazardous transporter vehicle registration fee to insure a vigorous permitting process to prevent flagrant discharge of hazardous wastes. The amendment eliminates a dedicated fund. Vote 20-0. Rep. Charles L. Vaughn for Appropriations.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

increasing the hazardous waste transporter  
vehicle registration fee.

Amend the bill by deleting sections 2-3 and renumbering section 4 to read as 2.

**AMENDED ANALYSIS**

This bill increases from \$50 to \$100 the hazardous waste transporter vehicle registration fee assessed on each vehicle listed in the hazardous waste transporter permit application.

Adopted.

Report adopted.

Ordered to third reading.

**HB 323-A**, relative to the Cheshire Bridge and making an appropriation therefor.  
**ought to pass with amendment.**

This bill, as amended, increases an existing bonded appropriation for the purchase and rehabilitation of the Cheshire Bridge; establishes a time-frame for purchase and completed rehabilitation; and requires a contract with a private company to collect bridge tolls to amortize the bonding in 20 years. Vote 21-0. Rep. Merle W. Schotanus for Appropriations.

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation Increased. Amend 1988, 251:1 to read as follows:

251:1 Appropriation. The sum of [\$1,500,000] **\$3,500,000** is hereby appropriated to the department of transportation for the biennium ending June 30, [1989] **1992**, for the purchase and rehabilitation of the Cheshire Bridge. The purchase shall be subject to the approval of governor and council *and shall not exceed \$1,800,000*. This appropriation shall be nonlapsing and in addition to any other for the department of transportation for the biennium.

2 Bonds Increased. Amend 1988, 251:2 to read as follows:

251:2 Bonds. To provide funds for the appropriation in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$1,500,000] **\$3,500,000** and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

3 Payment of Bonds. Amend 1988, 251:3 to read as follows:

251:3 Payment.

I. The payment of principal and interest of the bonds and notes issued for the purchase and rehabilitation of the Cheshire Bridge authorized in section 1 of this act shall be made when due from tolls collected on said bridge *by a collections contractor under contract with the department of transportation*. The state treasurer is authorized to establish a special account for this purpose.

II. The commissioner of the department of transportation, with the approval of the governor and council, shall establish a toll rate that will be sufficient to cover the operation and maintenance expenses and payments for debt service. [The commissioner shall establish a one-way toll collection system.]



*III. The commissioner of transportation shall make every effort to retire the bonds in section 2 prior to December 31, 2011.*

[III.]IV. When the payments required under paragraph I have been completed, the authority of the commissioner to collect tolls on the Cheshire Bridge shall expire.

4 Duties. 1988, 251:4 is repealed and reenacted to read as follows:

251:4 Duties. The commissioner of the department of transportation shall:

I. Acquire, operate, and maintain the privately owned Cheshire Bridge and adjoining land and appurtenances between the towns of Charlestown, New Hampshire and Springfield, Vermont through a negotiated purchase or condemnation proceedings on or before December 31, 1991.

II. Complete the bridge rehabilitation project on or before December 31, 1992.

III. Contract with an outside contractor to collect tolls with minimum expansion or rehabilitation of the toll system in use at the time of purchase. Preference shall be given to local contractors and in no event shall state employees be employed at the toll booths.

5 Elimination of Toll Booths and Lapse of Account. Amend 1988, 251 by inserting after section 4 the following new section:

254:4-a Elimination of Toll Booths; Lapse of Account.

I. Within 60 days after the bonds authorized under section 2 have been retired, or upon other action of the general court, all toll booths on the Cheshire Bridge shall be removed.

II. All funds remaining from toll collections after the removal of the toll booths pursuant to paragraph I shall lapse into the highway fund.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill increases the appropriation to the department of transportation for the purchase and rehabilitation of the Cheshire Bridge.

The bill requires the commissioner of the department of transportation to contract with a private company to collect tolls on the bridge. All toll booths shall be eliminated when the bonds financing the purchase and rehabilitation project have been retired.

The bill also establishes a time-frame for the purchase and completed rehabilitation of the bridge.

Adopted.

Report adopted.

Ordered to third reading.

**HB 324-A**, relative to highway projects and bond issuance and making an appropriation therefor. (A) OUGHT TO PASS.

This is a highway construction bill requested by the Department of Transportation. It clarifies highway project descriptions, cost estimate increases, and amends bond authorization from general obligation bonds to the actual amount issued. Vote 19-1. Rep. Charles L. Vaughn for Appropriations.

Adopted.

Ordered to third reading.

**HB 329-FN-A**, relative to the business corporations act and appropriating funds for certain administrative expenses to be reimbursed by fees. (A) OUGHT TO PASS.

There is no new money involved. Fees for informational services will reimburse any expenses. Vote 19-0. Rep. Robert E. Murphy for Appropriations.

Adopted.

Ordered to third reading.

**HB 341-FN**, relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula. (A) OUGHT TO PASS WITH AMENDMENT.

When the Foundation Aid Formula was established, a review was planned. This bill establishes a committee to study the effectiveness of the formula and to propose modifications. The amendment allows the Committee to begin the study sooner than July 1, 1991. It also made sure that beginning in 1992, a district's aid distribution shall not exceed its school budget. Vote 18-0. Rep. Debora B. Pignatelli for Appropriations.

#### Amendment

Amend the bill by replacing all after section 3 with the following:

4 New Paragraph; Maximum Equalization Factor Established. Amend RSA 198:29 by inserting after paragraph II the following new paragraph:

II-a. Beginning with distribution for fiscal year 1992 in no case shall a district's equalization factor, as determined in paragraph II, be greater than 9.

5 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted.

Ordered to third reading.

**HB 363-FN**, relative to criminal record checks and fees charged for criminal record checks. (A) OUGHT TO PASS.

Information submitted to the Committee indicated that there would be no substantial expense to the general fund as the information requested in the bill is already being entered into the computer. Vote 13-7. Rep. Stacey W. Cole for Appropriations.

Rep. Stacey Cole yielded to questions.

Adopted.

Ordered to third reading.

**HB 366-FN-A**, establishing an office of information technology management and making an appropriation therefor. (A) RE-REFER TO THE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION.

This bill is in the hands of a special committee which has not met on its final report as yet. The system when in place will save the state money, but HB 366 is premature and not in final form. Vote 21-0. Rep. Robert E. Murphy for Appropriations.

Adopted.

**HB 381-FN-A**, relative to the recovery of legal fees incurred by the state and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill removes the responsibility of collecting legal fees incurred by the state on behalf of juvenile delinquents from Juvenile Service Officers to the Office of Cost Containment. The amendment states that all who have received services may be required to pay if able. Vote 19-0. Rep. Pamela B. Bean for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the recovery of legal fees incurred by the state.

Amend the bill by deleting section 3 and renumbering section 4 to read as 3.

#### AMENDED ANALYSIS

This bill provides that legal fees incurred by the state on behalf of juvenile delinquents be repaid by the defendant or by the person responsible for his support through the unit of cost containment. Currently if the defendant is convicted, repayment is made through the defendant's juvenile service officer.

The bill also changes a statement on petitions for court appointed counsel to make clear that the defendant may be required to repay legal services provided by the state, regardless of whether he is convicted.

Adopted.

Report adopted.

Ordered to third reading.

**HB 416-FN-A**, relative to drug-free school zones and making appropriations therefor. **OUGHT TO PASS WITH AMENDMENT.**

The amendment clarifies that the funds for producing the drug-free school zone signs and the toll free statewide hot line will not be charged against the general fund, but will be charged against federal drug-free schools funds received by the Office of the Governor. The Committee also changed from a misdemeanor to a violation the penalty for defacing the signs. Vote 12-6. Rep. Mary Jane Wallner for Appropriations.

#### Amendment

Amend section 1 of the bill by replacing all after RSA 193-B:5 with the following:  
193-B:6 Penalties.

I. It shall be a violation for any person to cover, remove, deface, alter or destroy any sign or other marking identifying a drug-free zone as provided in RSA 193-B:4, I.

II. Lack of knowledge that the prohibited act as defined in RSA 193-B:2 occurred on or within 1,000 feet of school property shall not be a defense.

III. A violation of RSA 193-B:2 shall not include an act which occurs entirely within a private residence wherein no person 17 years of age or under is present.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$1 for the fiscal year ending June 30, 1992, is hereby appropriated to the department of education for the purposes of funding the manufacturing and posting of drug-free school zone signs as provided in RSA 193-B:4, I in section 1 of this act. The department of corrections prison industries shall be given first priority to manufacture such signs. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 5 with the following:

5 Charge for Other Expenses. Any expenses for the manufacturing and posting of drug-free school zone signs and the establishment of the toll-free statewide drug activity reporting hotline not funded by the appropriations made in sections 3 and 4 of this act shall be charged against federal funds received by the office of the governor through the drug-free schools and communities program and shall not be charged against the general fund.

6 Effective Date.

I. Sections 3, 4 and 5 of this act shall take effect July 1, 1991.

II. The remainder of this act shall take effect January 1, 1992.

Rep. Douglas Hall spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**HB 431-FN**, relative to exempting certain purchases for severely emotionally disturbed children from state purchasing requirements. **OUGHT TO PASS WITH AMENDMENT.**

This bill exempts state services for severely emotionally disturbed children from bidding requirements to permit continuity of treatments. The Committee expressed concern about the financial effects. The amendment limits the exemption to non-profit providers, gives the Department of Education the option of requiring bidding, and sunsets the exemptions on June 30, 1992, to give the Department an opportunity to devise a better solution. Vote 18-0. Rep. Neal M. Kurk for Appropriations.

#### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Competitive Bidding Exemption. Notwithstanding any other law to the contrary, for the fiscal year ending June 30, 1992, the purchase of services from non-profit organizations by the department of education, special education bureau, and the department of health and human services, division of mental health and developmental services, for severely disabled or severely emotionally disturbed children as provided by RSA 186-C:22, shall not be subject to the provisions of RSA 21-I. Nothing in this section shall prohibit the department of education from contracting for such services through a competitive bidding process.

2 Effective Date. This act shall take effect July 1, 1991.

Adopted.

Report adopted.

Ordered to third reading.

**HB 435-FN**, permitting adjustments in legislative mileage resulting from changes in the price of gasoline. **RE-REFER TO THE COMMITTEE ON LEGISLATIVE ADMINISTRATION.**

The Committee's intent is to keep this bill alive to use as a vehicle for change needed to the Internal Revenue Service's problem with our mileage payments. Vote 14-0. Rep. Elizabeth S. Hager for Appropriations.

Re-referred to Legislative Administration.

**HB 500-FN**, relative to exemptions in the administration of the unemployment compensation laws. **(A) INEXPEDIENT TO LEGISLATE.**

The bill would give the Department of Employment Security authority to transfer funds among all line items in its budget without oversight as well as an exemption from usual state purchasing procedures. The rationale for such special treatment is that the agency is federally funded. However, other state agencies and programs are also 100 percent federally funded and were not provided similar treatment. The Committee feels that any such special exemptions should be deliberated as part of the biennial budget bill and its supporting materials. The Department of Employment Security will be provided authority within the budget to accept and expend any unanticipated federal funds for the state's unemployment program. Vote 18-2. Rep. Douglas E. Hall for Appropriations.



Adopted.

**HB 515-FN**, exempting the purchase of certain property on which dams are located from the requirements of legislative approval. (A) OUGHT TO PASS WITH AMENDMENT.

This bill gives legislative approval to the Division of Water Resources, Department of Environmental Services, to accept certain dams so long as the repair costs are paid by the current owners prior to the state assuming ownership. The amendment results in an approximate savings to the dam maintenance fund of \$215,000. Vote 21-0. Rep. Merle W. Schotanus for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

giving legislative approval to the division of water resources,  
department of environmental services to accept certain dams  
if repair costs are paid by the current owners.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Legislative Approval for the Acceptance of Certain Dams.  
Amend RSA 482:48 by inserting after paragraph II the following new paragraph:

III. Legislative approval is hereby given to the water resources division of the department of environmental services to accept the following dams; provided that the conditions in paragraph IV are met:

- (a) Little bog pond dam, Odell, dam #185.03.
- (b) Trio ponds dam, Odell, dam #185.02.
- (c) Meadow lake dam, Northwood, dam #183.16.
- (d) Garland pond dam, Ossipee, dam #188.19.

IV.(a) The state shall not accept title to any dam in paragraph III until the condition of the structure meets any outstanding repair order and acceptable operating and maintenance requirements of the dam safety section of the division of water resources, department of environmental services, or until the owners of such dam provide the necessary funds to accomplish such repairs to the dam maintenance fund under RSA 482:55. The owners also shall provide adequate property or easements to develop access for the public to the impoundment.

(b) The commissioner of the department of environmental services shall request the capital budget overview committee and the governor and council to accept the dam on behalf of the state only after all repairs have been completed and the dam has been deemed satisfactory through an inspection by the division of water resources.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill gives the necessary legislative approval to the division of water resources, department of environmental services to accept certain dams so long as the costs to repair such dams shall be paid by the current owners prior to the state taking title.

Adopted.

Report adopted.

Ordered to third reading.

**HB 520-FN**, relative to changing county government's share of public assistance. INEXPEDIENT TO LEGISLATE.

If the state could afford the \$4 million price tag on this bill, it would be something many of us would like to do. Vote 20-0. Rep. Elizabeth S. Hager for Appropriations. Adopted.

Rep. DePecol notified the Clerk that he wished to be recorded in opposition to the committee report.

**HB 539-FN-A**, relative to a committee to study the uninsurable and making an appropriation therefor. (A) OUGHT TO PASS.

This bill creates a committee to study the problem of New Hampshire residents who are uninsurable due to current or past medical history, condition or occupation. It appropriates \$50,000 out of the Insurance Commissioner's administrative fund. No general funds are involved. Vote 21-0. Rep. Stacey W. Cole for Appropriations.

Adopted.

Ordered to third reading.

**HB 549-FN**, relative to early retirement for state employee group I members of the retirement system. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, allows state employees of group I terminated by lay-off or bumping, who have at least 25 years of creditable service and have attained the age of 55 to elect to retire with benefits to commence immediately if application is filed within 90 days. Vote 14-3. Rep. Robert G. Holbrook for Appropriations.

#### Amendment

Amend paragraph II of section I of the bill by replacing it with the following:

II. Whenever the provisions of paragraph I become applicable, any state employee whose employment is terminated by layoff or by bumping, who is a member of group I, who meets the requirements of RSA 100-A:10, I(a), who has attained the age of 55 but not the age of 60, and who has at least 25 years of creditable service, may elect to retire and have benefits commence immediately as an early service retirement allowance, upon written application to the board of trustees in which application the member shall state the time he desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b).

#### AMENDED ANALYSIS

This bill provides that whenever, by executive order or legislative action, state economic conditions require terminating the employment of state employees by layoff or by bumping who are group I members, any such group I member who meets certain retirement requirements and who has attained the age of 55, but not the age of 60, and who has at least 25 years of creditable service, may elect to retire and have benefits commence immediately as an early service retirement allowance upon written application to the board of trustees during a period of 90 days following the executive order or legislative action.

The provisions of the bill apply for a period beginning on July 1, 1991, and ending on June 30, 1993.

Adopted.

Report adopted.

Ordered to third reading.

**HB 550-FN**, relative to the withdrawal of accumulated contributions and retirement system membership. OUGHT TO PASS.

This bill refers to early withdrawal from the New Hampshire Retirement System and corrects present situation of not returning employer share of contribution and would now return employer share of retirement contribution. Vote 20-1. Rep. Robert G. Holbrook for Appropriations.

Adopted.

Ordered to third reading.

**HB 601-FN-A**, establishing a public access advisory board and a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program. (A) INEXPEDIENT TO LEGISLATE.

This bill establishing a statewide public boat access program on public waters with a special fund for projects is a new expanded, expensive program that the state can ill afford at this time. Further, the real impact of the funding mechanism is vague and unspecific. Vote 20-0. Rep. Charles L. Vaughn for Appropriations.

Reps. Lewis and Allen Wiggin moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. Dickinson spoke in favor.

Re-referred to Committee.

**HB 648-FN**, relative to the industrial development authority and the housing finance authority. OUGHT TO PASS WITH AMENDMENT.

This bill changes the allocation of the state's private activity bond cap to more clearly reflect what has actually been happening for the last few years. It allocates 50 percent of the cap to the Industrial Development Authority and 50 percent to the Housing Finance Authority. The amendment removes the rest of the bill. Vote 19-1. Rep. Elizabeth S. Hager for Appropriations.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

I Allocation Formula; Private Activity Bonds. Amend RSA 162-M:2, II and III to read as follows:

II. The housing finance authority may from time to time assign up to [1/3] 1/2 of the state ceiling in any calendar year to and among issuers, including itself, for the purpose of (a) allocating such state ceiling to housing bonds or (b) electing under section 25(c)(2)(A)(ii) of the code not to issue a specified amount of qualified mortgage bonds in order to issue, or reserve the right to issue, mortgage credit certificates pursuant to section 25 of the code. The housing finance authority may also from time to time transfer any portion of the state ceiling within its control pursuant to this section to the industrial development authority, which may assign any state ceiling so transferred in addition to and as if it were state ceiling described in RSA 162-M:2, III.

III. The industrial development authority may from time to time assign up to [2/3] 1/2 of the state ceiling in any calendar year to and among issuers, including itself, for the purpose of allocating such state ceiling to (a) private activity bonds other than housing bonds and (b) bonds which would be private activity bonds unless an allocation of state ceiling is made to them. The industrial development authority may also from time to time transfer any portion of the state ceiling within its control pursuant to this section to the housing finance authority, which may assign any state ceiling so transferred in addition to and as if it were state ceiling described in RSA 162-M:2, II.

2 Effective Date. This act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill reapportions the state ceiling on private activity bonds between the industrial development authority and the housing finance authority.

Adopted.

Report adopted.

Ordered to third reading.

**HB 669-FN**, relative to the borrowing authority of the state treasurer. OUGHT TO PASS.

This bill increases the short-term borrowing authority of the Treasurer from \$70 million to \$125 million to deal with the increase in the size of state government and its cash flow needs since the limit was last changed in 1983. Vote 15-4. Rep. Neal M. Kurk for Appropriations.

Adopted.

Ordered to third reading.

**HB 727-FN**, relative to DWI testing, motor vehicle records fees, and commercial driver licenses. (A) OUGHT TO PASS WITH AMENDMENT.

#### SPECIAL ORDER

Rep. Martling moved that HB 727-FN be made a Special Order for April 11, 1991.

Reps. Lozeau and Hager spoke in favor.

Adopted.

#### REGULAR CALENDAR (Continued)

**HB 745-FN**, relative to sewage disposal systems. (A) OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, requires that fees collected for recording septic system approvals and operation numbers shall be deposited by the Department of Environmental Services in the state treasury as unrestricted revenue. Vote 17-2. Rep. Merle W. Schotanus for Appropriations.

#### Amendment

Amend RSA 485-A:30, II as inserted by section 3 of the bill by replacing it with the following:

*II. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the division a fee for each system for recording the approval for operation number with the registry of deeds and for handling costs. Such fee shall be the same as that established by the registry of deeds for the recording of such documents. All fees collected under this section shall be deposited with the state treasurer as unrestricted revenue.*

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

#### AMENDED ANALYSIS

This bill requires the division of water supply and pollution control to record approvals of sewage or waste disposal systems with the registry of deeds. Any person submitting plans and specifications for sewage or waste disposal systems shall pay the division a fee for recording and handling costs. These fees shall be deposited with the state treasurer as unrestricted revenue.



Adopted.

Report adopted.

Ordered to third reading.

**HB 780-FN**, relative to water treatment plant operators and fees for water system permits. (A) OUGHT TO PASS WITH AMENDMENT.

This bill continually appropriates a special fund containing fees to provide materials used for certification of water treatment operators. Further, it exempts political subdivisions of the state from future payment of these fees. The Committee amendment provides for refunds of fees already paid in 1991. There is no impact on the general fund. Vote 20-0. Rep. John P. Chandler for Appropriations.

#### Amendment

Amend the bill by replacing all after section 3 with the following:

4 Refunds. Any system owned by a state, county, municipality, town, precinct, or district shall be exempt from water system fees as provided in RSA 485:41, VIII. Any state, county, municipality, town, precinct, or district that has been billed and still has an outstanding account, shall have such outstanding account forgiven. In the event that the entity has already paid, then the sum paid shall be refunded to it. The funds necessary to provide the refunds to the state, county, municipality, town, precinct, or district exempted under RSA 485:41, VIII, are hereby appropriated and shall be a charge against the operational permits account.

5 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted.

Ordered to third reading.

**HR 21**, affirming revenue estimates for fiscal years 1992 and 1993. OUGHT TO PASS WITH AMENDMENT.

The Committee by this resolution asks the House to affirm its estimates of revenue for this biennium. It is our hope that numbers approved by the House in this manner will provide a formal House position on revenues available to fund the budget for the next biennium.

After House approval of the Committee recommendation, a motion will be made to table HR 21. This way the resolution will still be in the possession of the House to be amended from time to time as revenue bills are passed and additional economic information is received. Vote 16-0. Rep. Donna P. Sytek for Ways and Means.

#### Amendment

Amend the resolution by replacing all after the resolving clause with the following:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1992 and 1993:

|                           | Fiscal Year 1992 |                | Fiscal Year 1993 |                |
|---------------------------|------------------|----------------|------------------|----------------|
|                           | Statutory Rates  | Proposed Rates | Statutory Rates  | Proposed Rates |
| GENERAL FUND              |                  |                |                  |                |
| Beer                      | \$ 12,300,000    | \$ 12,300,000  | \$ 12,800,000    | \$ 12,800,000  |
| Board and care            | 19,000,000       | 19,000,000     | 19,500,000       | 19,500,000     |
| Business profits tax      | 120,000,000      | 135,000,000    | 128,000,000      | 144,000,000    |
| Estate and legacy tax     | 27,600,000       | 27,600,000     | 29,200,000       | 29,200,000     |
| Insurance                 | 43,000,000       | 43,000,000     | 45,000,000       | 45,000,000     |
| Interest and dividend tax | 48,000,000       | 48,000,000     | 52,000,000       | 52,000,000     |

|                          |               |               |               |               |
|--------------------------|---------------|---------------|---------------|---------------|
| Liquor                   | 59,800,000    | 59,800,000    | 62,500,000    | 62,500,000    |
| Meals and rooms tax      | 80,900,000    | 92,500,000    | 83,100,000    | 95,000,000    |
| Parks income             | 7,500,000     | 4,750,000     | 7,500,000     | 4,950,000     |
| Dog racing               | 6,000,000     | 6,000,000     | 6,000,000     | 6,000,000     |
| Horse racing             | 4,000,000     | 4,000,000     | 4,000,000     | 4,000,000     |
| Real estate transfer tax | 22,000,000    | 33,000,000    | 24,000,000    | 36,000,000    |
| Communications tax       | 13,800,000    | 23,000,000    | 14,400,000    | 24,000,000    |
| Cigarette tax            | 36,000,000    | 35,400,000    | 34,000,000    | 36,400,000    |
| Utilities                | 9,200,000     | ?             | 9,600,000     | ?             |
| Other                    | 34,000,000    | 34,000,000    | 35,000,000    | 35,000,000    |
| Courts                   | 23,000,000    | 28,000,000    | 24,000,000    | 29,000,000    |
| Savings bank tax         | 14,500,000    | 14,500,000    | 15,000,000    | 15,000,000    |
| Total                    | \$580,600,000 | \$619,850,000 | \$605,600,000 | \$650,350,000 |

**HIGHWAY FUND**

|                      |               |               |               |               |
|----------------------|---------------|---------------|---------------|---------------|
| Gasoline Road Toll   | \$ 91,381,000 | \$ 91,381,000 | \$ 92,310,000 | \$ 92,310,000 |
| ATA Lawsuit Recovery | 0             | 0             | 0             | 0             |
| Motor Vehicle Fees   | 52,873,500    | 52,873,500    | 53,772,580    | 53,772,580    |
| Miscellaneous        | 7,550,000     | 7,550,000     | 7,550,000     | 7,550,000     |
| Total                | \$151,804,500 | \$151,804,500 | \$153,632,580 | \$153,632,580 |

**FISH AND GAME FUND**

|                        |              |              |              |              |
|------------------------|--------------|--------------|--------------|--------------|
| Fish and Game Licenses | \$ 5,700,000 | \$ 5,700,000 | \$ 5,700,000 | \$ 5,700,000 |
| Fines and Penalties    | 85,000       | 85,000       | 85,000       | 85,000       |
| Miscellaneous Sales    | 231,500      | 231,500      | 231,500      | 231,500      |
| Indirect Costs         | 50,000       | 50,000       | 50,000       | 50,000       |
| Total                  | \$ 6,066,500 | \$ 6,066,500 | \$ 6,066,500 | \$ 6,066,500 |

Rep. Donna Sytek spoke in favor and yielded to questions.

On a division vote, 287 members having voted in the affirmative and 51 in the negative, the amendment was adopted.

Rep. Donna Sytek offered a floor amendment.

**Floor Amendment**

Amend the resolution by replacing all after the resolving clause with the following:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1992 and 1993:

|                           | Fiscal Year 1992 |                | Fiscal Year 1993 |                |
|---------------------------|------------------|----------------|------------------|----------------|
|                           | Statutory Rates  | Proposed Rates | Statutory Rates  | Proposed Rates |
| <b>GENERAL FUND</b>       |                  |                |                  |                |
| Beer                      | \$ 12,300,000    | \$ 12,300,000  | \$ 12,800,000    | \$ 12,800,000  |
| Board and care            | 19,000,000       | 400,000        | 19,500,000       | 400,000        |
| Business profits tax      | 120,000,000      | 135,000,000    | 128,000,000      | 144,000,000    |
| Estate and legacy tax     | 27,600,000       | 27,600,000     | 29,200,000       | 29,200,000     |
| Insurance                 | 43,000,000       | 43,000,000     | 45,000,000       | 45,000,000     |
| Interest and dividend tax | 48,000,000       | 48,000,000     | 52,000,000       | 52,000,000     |
| Liquor                    | 59,800,000       | 59,800,000     | 62,500,000       | 62,500,000     |
| Meals and rooms tax       | 80,900,000       | 92,500,000     | 83,100,000       | 95,000,000     |
| Parks income              | 7,500,000        | 4,750,000      | 7,500,000        | 4,950,000      |
| Dog racing                | 6,000,000        | 6,000,000      | 6,000,000        | 6,000,000      |
| Horse racing              | 4,000,000        | 4,000,000      | 4,000,000        | 4,000,000      |

|                          |               |               |               |               |
|--------------------------|---------------|---------------|---------------|---------------|
| Real estate transfer tax | 22,000,000    | 33,000,000    | 24,000,000    | 36,000,000    |
| Communications tax       | 13,800,000    | 23,000,000    | 14,400,000    | 24,000,000    |
| Cigarette tax            | 36,000,000    | 35,400,000    | 34,000,000    | 36,400,000    |
| Utilities                | 9,200,000     | 23,200,000    | 9,600,000     | 22,700,000    |
| Other                    | 34,000,000    | 34,000,000    | 35,000,000    | 35,000,000    |
| Courts                   | 23,000,000    | 28,000,000    | 24,000,000    | 29,000,000    |
| Savings bank tax         | 14,500,000    | 14,500,000    | 15,000,000    | 15,000,000    |
| Total                    | \$580,600,000 | \$624,450,000 | \$605,600,000 | \$653,950,000 |

**HIGHWAY FUND**

|                      |               |               |               |               |
|----------------------|---------------|---------------|---------------|---------------|
| Gasoline Road Toll   | \$ 91,381,000 | \$ 91,381,000 | \$ 92,310,000 | \$ 92,310,000 |
| ATA Lawsuit Recovery | 0             | 0             | 0             | 0             |
| Motor Vehicle Fees   | 52,873,500    | 52,873,500    | 53,772,580    | 53,772,580    |
| Miscellaneous        | 7,550,000     | 7,550,000     | 7,550,000     | 7,550,000     |
| Total                | \$151,804,500 | \$151,804,500 | \$153,632,580 | \$153,632,580 |

**FISH AND GAME FUND**

|                        |              |              |              |              |
|------------------------|--------------|--------------|--------------|--------------|
| Fish and Game Licenses | \$ 5,700,000 | \$ 5,700,000 | \$ 5,700,000 | \$ 5,700,000 |
| Fines and Penalties    | 85,000       | 85,000       | 85,000       | 85,000       |
| Miscellaneous Sales    | 231,500      | 231,500      | 231,500      | 231,500      |
| Indirect Costs         | 50,000       | 50,000       | 50,000       | 50,000       |
| Total                  | \$ 6,066,500 | \$ 6,066,500 | \$ 6,066,500 | \$ 6,066,500 |

Adopted.

**LAI D ON THE TABLE**

Rep. Donna Sytek moved that HR 21, affirming revenue estimates for fiscal years 1992 and 1993, be laid on the table.

Adopted.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 11, 1991 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 64-FN-A**, relative to establishing a tax on nuclear station property and making an appropriation therefor.

**HB 35-A**, making appropriations for capital improvements.

**HB 62-FN**, relative to retirement allowances under the New Hampshire retirement system.

**HB 161-FN**, to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement system.

**HB 193-FN**, authorizing the state to enter into a lease-purchase agreement with the town of Milford for a new district courthouse.

**HB 211-FN-A**, relative to administrative fees of the air resources division and continually appropriating such fees.

**HB 262-FN**, revising hazardous waste facility permit fees.

**HB 310-FN**, increasing the hazardous waste transporter vehicle registration fee.

**HB 323-A**, relative to the Cheshire Bridge and making an appropriation therefor.

**HB 324-A**, relative to highway projects and bond issuance and making an appropriation therefor.

**HB 329-FN-A**, relative to the business corporations act and appropriating funds for certain administrative expenses to be reimbursed by fees.

**HB 341-FN**, relative to a foundation aid formula study committee, and establishing a maximum equalization factor for the foundation aid formula.

**HB 363-FN**, relative to criminal record checks and fees charged for criminal record checks.

**HB 381-FN-A**, relative to the recovery of legal fees incurred by the state.

**HB 416-FN-A**, relative to drug-free school zones and making appropriations therefor.

**HB 431-FN**, relative to exempting certain purchases for severely emotionally disturbed children from state purchasing requirements.

**HB 515-FN**, giving legislative approval to the division of water resources, department of environmental services to accept certain dams if repair costs are paid by the current owners.

**HB 539-FN-A**, relative to a committee to study the uninsurable and making an appropriation therefor.

**HB 549-FN**, relative to early retirement for state employee group I members of the retirement system.

**HB 550-FN**, relative to the withdrawal of accumulated contributions and retirement system membership.

**HB 648-FN**, relative to the industrial development authority and the housing finance authority.

**HB 669-FN**, relative to the borrowing authority of the state treasurer.

**HB 745-FN**, relative to sewage disposal systems.

**HB 780-FN**, relative to the water treatment plant operators and fees for water system permits.

### VACATE

Rep. Foss moved that the House vacate the reference of **SB 82**, relative to powers of directors, officers and trustees of health service corporations to the Committee on Commerce, Small Business and Consumer Affairs.

Adopted, and referred to Judiciary.

### COMMUNICATION

April 3, 1991

Harold W. Burns, Speaker of the House

This letter serves to confirm our telephone conversation of Monday, March 25, 1991. As we discussed, it is with deep regret that I resign from my position as State Representative for Ward 7, District 30; effective immediately.

My current duties at the Nashua Children's Home (in excess of 49 hours), coupled with at least 21 hours per week at the State House, have left me physically exhausted. My physician has instructed me to reduce my current work schedule because I have been ill three weeks out of the past nine weeks.



Since our legislative session began, I have enjoyed my new-found relationships immensely. These individuals will truly be missed; especially the friendships that have been formed on my committee of State Institutions and Housing.

It has certainly been a wonderful learning experience during the six months since the November 1990 election. I have very much enjoyed working alongside my colleagues in New Hampshire politics. If my health improves, my physician may allow me to participate a few hours a week in local government.

Mr. Speaker, I wish you and all of the members of the House a successful 1991 and 1992 in serving your constituents.

God bless.

Respectfully submitted, Janet E. Hickey

Rep. Hill moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 4:10 p.m.

#### RECESS

(Rep. Gross in the Chair)

#### ENROLLED BILLS REPORT

**HB 202**, to extend the time period within which a corporation may reinstate its charter, relative to revival of charters of voluntary corporations, and reviving certain charters.

Rep. Miriam Dunn for the Committee

Rep. C. Dana Christy moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 18**

Thursday, April 11, 1991

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairisto.

Almighty God, who brings the promises of spring and the signs of new life to us in a never ending cycle of seasons, we thank You and praise You for Your bounty. Be with us this day, we pray, as we consider what this state will do in its new fiscal year. Enlighten us that we may fully comprehend the effects of our votes today upon our citizens, be they wealthy or poor, givers or recipients of the state's resources. Save us from pettiness, we ask, and give us such a measure of sound judgment that we may find the most equitable among the very difficult of choices before us, so that history may look back upon this session and say, "Well done." Amen.

Rep. Driscoll led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Bernard, Feuerstein, Swope, Ackerman, Anderson, Doucette, Conroy, Laroche, Dowling, Frechette, Upton and Ralph Torr, the day, illness.

Reps. David Young (military service), Apple, C. William Johnson, Alukonis, Annette Cooke, Jordan, Peters, Andrew Christie, Jr., McGovern, Donald Messier and Jeffrey Brown, the day, important business.

Rep. Metzger, the day, illness in the family.

**INTRODUCTION OF GUESTS**

School children from Pittsburg, NH and their teacher Winston Young, guests of Rep. Amanda Merrill. Betty Bickford, Ines Ferriter and Dorothy Flint, guests of Rep. Flint. Mayor Jack Down and Town Administrator Ray Walker, guests of the Derry Delegation. Emily Woods, daughter of Rep. Woods. Selectman Vivian Blondeau, guest of Rep. Ruth Gage. Sidney L. Hall, Jr. and Lyn Waldie, son and cousin of Rep. Betty Hall. Town Manager Martha St. Armand, guest of Reps. Warburton, Hoelzel and Barnes. Mayor Brenda Elias and City Manager Richard Plante, guests of the Franklin Delegation. Dunbarton Elementary School Grade 4 and teacher Mrs. Monahan, guests of Rep. Stio.

**VACATES**

Rep. Rodeschin moved that the House vacate the reference of **SB 182**, relative to the division of information services from the Committee on Science, Technology and Energy.

Adopted and referred to Executive Departments and Administration.

Rep. Robert Foster moved that the House vacate the reference of **SB 176**, relative to ophthalmic dispensing from the Committee on Health, Human Services and Elderly Affairs.

Adopted and referred to Executive Departments and Administration.

**SENATE MESSAGES****CONCURRENCE**

**HB 103**, relative to the time period for perfection of a purchase money security interest under the uniform commercial code.

**HB 117-FN**, relative to housekeeping changes in the weights and measures laws.

**HB 153-FN**, to regulate the handling of manure, agricultural compost and chemical fertilizers.

**HB 162-FN**, extending the committee studying a statewide trauma care system.

**HB 185**, relative to certain security transactions exempted from registration.

**HB 186**, relative to isolated sales of securities.

**HB 270-FN**, relative to filling and dredging in wetlands.

**HB 351**, relative to personal flotation devices for sailboards.

**HB 356-FN**, relative to uniform penalties pertaining to farm products.

**HB 375-FN**, authorizing towns to accept donations of property.

**HB 436-FN**, making the purchase, possession, and control of child pornography a misdemeanor.

**HB 478-FN**, relative to the emergency shelter program.

**HB 516**, relative to library trustees' authority to accept gifts.

**HB 555**, limiting horsepower on Big Pea Porridge Pond.

**HB 565-FN**, relative to marine oil spill response, oil spillage in surface waters or groundwaters and underground storage tanks.

**HB 597-FN**, relative to licensing of nurses.

**HB 676-FN**, relative to notice of discontinuance of class IV, V or VI highways.

### REQUESTS CONCURRENCE

**SB 60-A**, creating a task force to study the Laconia - I-93 connector highway.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 180-FN**, to establish a study committee to evaluate whether a consortium of all institutional law libraries in the greater Concord area is economically feasible and practical.

Rep. Tufts moved that the House concur. (Amendment printed SJ 15, 4/2/91)

Adopted.

**HB 121-FN**, relative to limiting the mode of taking deer in Rollinsford.

Rep. Perham moved that the House concur. (Amendment printed in SJ 15, 4/2/91)

Adopted.

**HB 707-FN**, relative to contracts for services other than counsel.

Rep. Martling moved that the House concur. (Amendment printed in SJ 15, 4/2/91)

Adopted.

**HB 715-FN**, relative to the right to jury trial in civil cases.

Rep. Martling moved that the House concur. (Amendment printed in SJ 15, 4/2/91)

Adopted.

### REGULAR CALENDAR

**HB 25-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993. OUGHT TO PASS WITH AMENDMENT.

This is the basic (funded) budget. The Committee has worked long and hard to see critical state services maintained within this bill. The "Ought to Pass with Amendment" vote is based on the Committee amendment to the bill and the Committee floor amendment to the bill. The Committee had to write two amendments because of deadline problems. The Committee amendment is the first list of programs it thinks should be moved into HB 25-A. It was assembled using the priority lists written by the three Subcommittees of Appropriations. The Committee floor amendment is the sec-

ond list of priorities, but was printed separately because it was based on passage of HB 64-FN-A on Tuesday.

There will be a full explanation of the budget and amendments on the floor Tuesday. Vote 11-7. Rep. Elizabeth S. Hager for Appropriations.

This bill is the rest of the budget, the unfunded part. The Committee is reporting it to the floor and recommending its passage to the Senate so that the Committee clearly points out the other programs that it believes should be part of the basic budget if funds were available.

There will be an explanation of this bill, along with the budget on the floor on Tuesday. Vote 12-6. Rep. Elizabeth S. Hager for Appropriations.

#### **Amendment**

The Amendment was printed in its entirety in House Record No. 61, April 5, 1991.

Reps. Gerald Merrill and Hager spoke in favor.

Amendment Adopted.

The Committee offered a floor amendment.

#### **Floor Amendment**

The Floor Amendment was printed in its entirety in House Record No. 64, April 11, 1991.

Amendment adopted.

Rep. Chambers offered a floor amendment.

#### **Floor Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Operating Budget. The house hereby adopts the governor's operating budget for the fiscal years ending June 30, 1992-1993, as submitted to the house appropriations committee by Governor Judd Gregg, and refers the operating budget to the senate for its consideration.

2 Effective Date. This act shall take effect upon its passage.

Rep. Chambers spoke in favor and yielded to questions.

Rep. Wallner spoke in favor.

Rep. Donna Sytek spoke against and yielded to questions.

Rep. Pignatelli spoke in favor and yielded to questions.

Rep. Douglas Hall spoke against and yielded to questions.

Rep. Buckley spoke in favor.

Rep. Hager spoke against.

Roll call request sufficiently seconded.

The question being on the floor amendment.

**YEAS 110**

**NAYS 247**

**YEAS 110  
BELKNAP**

Joscelyn, William W.

Maviglio, Steven R.

Salatiello, Thomas B.

**CARROLL**

Wiggin, Allen R.

**CHESHIRE**

Champagne, Richard L.

Clark, Eugene W.

Cole, Kenneth A.

DePecol, Benjamin J.

Foster, Katherine D.

Kingsbury, H. Thayer

Lynch, Margaret A.

Pratt, Irene A.

Riley, William A.

Spear, Susan S.



**COOS**

Coulombe, Henry W.  
Mayhew, Josephine  
Theriault, Romeo J.

Hawkinson, Marie C.  
Nelson, Harold D.

Kilbride, Dennis J.  
Oliver, Terry D.

**GRAFTON**

Arnesen, Deborah L.  
Guest, Robert H.

Chambers, Mary P.  
Nordgren, Sharon L.

Copenhaver, Marion L.

**HILLSBOROUGH**

Baker, George H., Sr.  
Bourque, Ann J.  
Chasse, Richard D.  
Crotty, Edward J.  
Drabinowicz, A. Theresa  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Keane, Cornelius J.  
Leclerc, Charles J.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Soucy, Donna M.

Baldizar, Barbara J.  
Buckley, Raymond  
Clemons, Jane A.  
Daigle, Robert A.  
Gage, Ruth E.  
Green, Scott E.  
Hall, Betty B.  
Jean, Romeo W.  
King, Frank P.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Pignatelli, Debora B.  
Turgeon, Roland M.

Baroody, Benjamin C.  
Burke, Stephen J.  
Cote, David E.  
Desrochers, Gerard T.  
Gagnon, Gabrielle V.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Johnson, Lionel W.  
Laughlin, J. Francis  
McDowell, James E.  
O'Rourke, Joanne A.  
Reidy, Frank J.  
White, John M.

**MERRIMACK**

Braiterman, Thea  
Jelley, Francis D.  
Molner, Mary E.  
Wallner, Mary Jane

Daneault, Gabriel J.  
Johnson, Joyce M.  
Soldati, Jennifer G.  
Yeaton, Charles B.

Dunn, Miriam D.  
Letourneau, George E.  
Trombly, Rick A.

**ROCKINGHAM**

Bell, Juanita L.  
Dube, LeRoy S.  
Kane, Cecelia D.  
Schanda, Joseph, Sr.  
Terninko, Margaret B.

Caswell, Albert, Jr.  
Griebsch, Linda  
MacDonald, Joseph A.  
Splaine, John E., Sr.  
Vaughn, Charles L.

Clark, Martha Fuller  
Hynes, Carolyn E.  
Pantelakos, Laura C.  
Syracusa, Anthony  
Warburton, Calvin

**STRAFFORD**

Flynn, Edward J.  
Merrill, Amanda A.  
Spencer, Leo J.  
Wall, Janet G.

Hashem, Elaine M.  
Pageotte, Donald P.  
Sullivan, Henry P.

McCann, William H., Jr.  
Pelley, Janet R.  
Vincent, Francis C.

**SULLIVAN**

Allison, David C.  
Flint, Gordon B.  
Stamatakis, Carol M.

Burling, Peter Hoe  
Harland, Jane A.  
Tetu, Michael A.

Domini, Irene C.  
Lindblade, Eric N.  
Walsh, Robert R.

**NAYS 247****BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Hawkins, Robert S.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Holbrook, Robert G.

Cain, Thomas G.  
Golden, Paul A.  
Johnson, Carl R.

Rice, Thomas E. P., Jr.  
Turner, Robert H.  
Ziegra, Alice S.

Rosen, Ralph J.  
Vogler, Charles C.

Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

### CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Dickinson, Howard C.  
Jean, Robert R.

### CHESHIRE

Burnham, Daniel M.  
Feuer, Joseph N.  
Hunt, John B.  
Laurent, John J.  
Perry, David M.

Cole, Stacey W.  
Grodin, Richard A.  
Kennison, Wayne A.  
Morse, Jo Ann T.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hogan, James B.  
LaMar, David M.  
Pearson, Gertrude B.

### COOS

Brungot, Catherine V.  
Horton, Lynn C.  
Pratt, Leighton C.

Buckley, C. Fitzgerald  
Marsh, Beaton

Guay, Lawrence J.  
Merrill, Gerald P.

### GRAFTON

Adams, Carl S.  
Brown, Patricia B.  
Hill, Richard L.  
Markley, J. Keith  
Scanlan, David M.  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Christy, C. Dana  
Larson, Nils H., Jr.  
McIlwaine, Deborah P.  
Shackett, Ralph E.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Wadsworth, Karen O.  
White, Paul R.

### HILLSBOROUGH

Ahrens, Frederick G.  
Arnold, Barbara E.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Drolet, Paul L.  
Elliott, Larry G.  
Ferguson, Charles  
Ford, Nancy M.  
Greenglass, Alan B.  
Hultgren, David D.  
Kelley, Robert N.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Lozeau, Donnalee M.  
McNerney, Daniel P.  
Messier, Irene M.  
Packard, Bonnie B.  
Record, Alice B.  
Robinson, Ellen-Ann

Amidon, Eleanor H.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Healy, Walter F.  
Jasper, Shawn N.  
Kuchinski, Steve  
Lachut, Ervin R.  
Lefebvre, Roland J.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Pepino, Leo P.  
Rheault, Lillian I.  
Rodgers, G. Philip

Andrews, Frederick B.  
Cook, Valerie S.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Fenton, James J.  
Fields, Dennis H.  
Goulet, Maurice E.  
Hoiden, Carol H.  
Kelley, Dana F.  
Kurk, Neal M.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Ouellette, Robert O.  
Perham, Lester R.  
Riley, Frances L.  
Rothhaus, Finlay C.

Sallada, Roland A.  
 Smith, Leonard A.  
 Tarpley, Nancy L.  
 Wheeler, David K.

Schneiderat, Catherine A.  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Wihby, Linda S.

Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Vanderlosk, Stanley R.  
 Wright, George W.

### MERRIMACK

Asplund, Bronwyn L.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Stio, Peter M.  
 Whittemore, James A.

Barberia, Richard A.  
 Chandler, Earle W.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Teague, Bert

Boucher, Laurent J.  
 Chandler, John P.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Kidder, William F.  
 Millard, Elizabeth S.  
 Stapleton, Henry F.  
 Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Coffey, John J.  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hutchinson, Karen K.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Parr, Ednapearl F.  
 Roulston, Donald L.  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Welch, David A.

Benton, Richardson D.  
 Chase, Lawrence A., Jr.  
 Connell, David R.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McCain, William F.  
 Packard, Sherman A.  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Seward, Russell G.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

Boucher, William P.  
 Chulack, Peter G., Sr.  
 Cote, Patricia L.  
 Falwell, Robert V.  
 Flanders, David A.  
 Ford, Bert H.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Palazzo, Frank J.  
 Rosencrantz, James R.  
 Schmidtchen, Rowland H.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Hambrick, Patricia A.  
 Kincaid, William K.  
 Martling, W. Kent  
 O'Brien, John  
 Tsiros, William

Bickford, Drucilla  
 Douglass, Clyde J.  
 Jankowski, Peter M.  
 Kinney, Paula J.  
 Musler, George T.  
 Parks, Joe B.  
 Wheeler, Katherine W.

Brown, Julie M.  
 Foss, Patricia H.  
 Keans, Sandra B.  
 Marston, Robert E.  
 Nehring, William H.  
 Torr, Ann M.  
 Young, John B.

**SULLIVAN**

Behrens, Thomas A.

Krueger, Richard H.

Middleton, John A.

Peyron, Fredrik

Rodeschin, Beverly T.

Schotanus, Merle W.

and the amendment failed.

Rep. Warburton offered a floor amendment.

**Floor Amendment**

Amend the bill by replacing all after section 19 with the following:

20 Supplemental Appropriation for Distribution to Cities and Towns: Water Pollution State Aid Grants Bonded.

I. In addition to any other funds appropriated, the sums of \$12,032,985 for the fiscal year ending June 30, 1992, and the sum of \$10,333,420, for the fiscal year ending June 30, 1993, are hereby appropriated for distribution to cities and towns as provided in RSA 31-A:4. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. To provide funds for water pollution state aid grants appropriated in section 1 of this act, PAU 03, 04, 03, 01, 04, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,366,405 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with RSA 6-A. The payments of principal and interest due on such bonds and notes shall be made when due from the general fund.

21 Higher Education Fund, the University System of New Hampshire.

I. The university system of New Hampshire shall reduce the demand on the general fund for the fiscal year ending June 30, 1992, by \$6,498,000. The chancellor shall notify the department of administrative services as to the specific amounts to be reduced in specified line items no later than 15 days after the effective date of this section.

II. The university system of New Hampshire shall reduce the demand on the general fund for the fiscal year ending June 30, 1993, by \$6,957,000. The chancellor shall notify the department of administrative services as to the specific amounts to be reduced in specified line items no later than June 1, 1992.

22 Effective Date. This act shall take effect July 1, 1991.

Rep. Warburton spoke in favor

Rep. Stacey Cole spoke against and yielded to questions.

Rep. Weyler spoke in favor.

Rep. Kidder spoke against and yielded to questions.

Rep. Ouellette requested that the question be divided.

The Chair ruled that the question was divisible.

Question being on Section 20.

Section 20 failed.

The question being on Section 21 and 22.

Roll call request sufficiently seconded.

**YEAS 72****NAYS 287****YEAS 72  
BELKNAP**

Accornero, Harry

Cain, Thomas G.

Dewhirst, Glenn E.

Golden, Paul A.

Johnson, Carl R.

Joscelyn, William W.

Rosen, Ralph J.

Zaharchuk, Peter J., Jr.

Ziegler, Alice S.



**CARROLL**

Daly, Robert J., Jr.  
Wiggin, Gordon E.

Dodge, A. Gibb, Jr.

Wiggin, Allen R.

**COOS**

None

**CHESHIRE**

Cole, Kenneth A.

Kennison, Wayne A.

**GRAFTON**

Dow, David

Markley, J. Keith

White, Paul R.

**HILLSBOROUGH**

Daigle, Robert A.  
Donovan, Francis X.  
Healy, Walter F.  
L'Heureux, Robert J.  
Mason, Howard F.  
Ouellette, Robert O.  
Riley, Frances L.  
Wheeler, David K.

Daniels, Gary L.  
Fenton, James J.  
Hultgren, David D.  
Lachut, Ervin R.  
McRae, Karen K.  
Paquette, Rodolphe G.  
Stiles, Walter A.

Desrochers, Gerard T.  
Ferlan, Arthur P.  
Johnson, Lionel W.  
Lawrence, Norman B.  
Mercer, Robert S.  
Pepino, Leo P.  
Turgeon, Roland M.

**MERRIMACK**

Barberia, Richard A.

Christie, Thomas J.

Daneault, Gabriel J.

**ROCKINGHAM**

Boucher, William P.  
Coffey, John J.  
Hutchinson, Karen K.  
McCarthy, John J., Jr.  
Palazzo, Frank J.  
Senter, Marilyn P.  
Sytek, Donna P.  
Welch, David A.

Chase, Lawrence A., Jr.  
Dube, LeRoy S.  
MacKinnon, Nancy W.  
McKinney, Betsy  
Raynowska, Bernard J.  
Seward, Russell G.  
Sytek, John J.  
Weyler, Kenneth L.

Chulack, Peter G., Sr.  
Hoelzel, Kathleen M.  
Malcolm, Kenneth W.  
Packard, Sherman A.  
Rubin, George R.  
Smith, Arthur W.  
Warburton, Calvin

**STRAFFORD**

Flynn, Edward J.  
Parks, Joe B.

Gilmore, Gary R.  
Tsiros, William

Nehring, William H.

**SULLIVAN**

Domini, Irene C.

**NAYS 287****BELKNAP**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Salatiello, Thomas B.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Shibley, Arnold P.

Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Jean, Robert R.

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Bradley, Jeb E.  
Foster, Robert W.

**CHESHIRE**

Burnham, Daniel M.  
 Cole, Stacey W.  
 Feuer, Joseph N.  
 Hogan, James B.  
 LaMar, David M.  
 Morse, Jo Ann T.  
 Pratt, Irene A.  
 Spear, Susan S.

Champagne, Richard L.  
 Crutchley, Donald O.  
 Foster, Katherine D.  
 Hunt, John B.  
 Laurent, John J.  
 Pearson, Gertrude B.  
 Riley, William A.

Clark, Eugene W.  
 DePecol, Benjamin J.  
 Grodin, Richard A.  
 Kingsbury, H. Thayer  
 Lynch, Margaret A.  
 Perry, David M.  
 Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
 Guay, Lawrence J.  
 Kilbride, Dennis J.  
 Merrill, Gerald P.  
 Pratt, Leighton C.

Buckley, C. Fitzgerald  
 Hawkinson, Marie C.  
 Marsh, Beaton  
 Nelson, Harold D.  
 Theriault, Romeo J.

Coulombe, Henry W.  
 Horton, Lynn C.  
 Mayhew, Josephine  
 Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
 Brown, Patricia B.  
 Copenhaver, Marion L.  
 Hill, Richard L.  
 Lougee, Richard W.  
 Nordgren, Sharon L.  
 Stewart, Roger D.  
 Wadsworth, Karen O.

Bean, Pamela B.  
 Chambers, Mary P.  
 Driscoll, William J.  
 LaMott, Paul I.  
 McIlwaine, Deborah P.  
 Scanlan, David M.  
 Teschner, Douglass P.  
 Ward, Kathleen W.

Brown, Channing T.  
 Christy, C. Dana  
 Guest, Robert H.  
 Larson, Nils H., Jr.  
 Nielsen, Niels F., Jr.  
 Shackett, Ralph E.  
 Trelfa, Richard T.  
 Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Arnold, Barbara E.  
 Baroody, Benjamin C.  
 Burke, Stephen J.  
 Clemons, Jane A.  
 Cowenhoven, Garret P.  
 Dodge, Emma M.  
 Drolet, Paul L.  
 Elliott, Larry G.  
 Fields, Dennis H.  
 Gagnon, Eugene L.  
 Goulet, Maurice E.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 Jasper, Shawn N.  
 Kelley, Dana F.  
 Kuchinski, Steve  
 Lawrence, Eva M.  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Perham, Lester R.

Amidon, Eleanor H.  
 Baker, George H., Sr.  
 Bourque, Ann J.  
 Calawa, Leon, Jr.  
 Cook, Valerie S.  
 Crotty, Edward J.  
 Domaingue, Jacquelyn M.  
 Durham, Susan B.  
 Emerton, Lawrence A.  
 Ford, Nancy M.  
 Gagnon, Gabrielle V.  
 Green, Scott E.  
 Haettenschwiller, Alphonse  
 Healy, Daniel J.  
 Jean, Romeo W.  
 Kelley, Robert N.  
 Kurk, Neal M.  
 Leclerc, Charles J.  
 Lozeau, DonnaLee M.  
 McDowell, James E.  
 Moore, Elizabeth A.  
 O'Rourke, Joanne A.  
 Pignatelli, Debora B.

Andrews, Frederick B.  
 Baldizar, Barbara J.  
 Buckley, Raymond  
 Chasse, Richard D.  
 Cote, David E.  
 Desrosiers, William J.  
 Drabinowicz, A. Theresa  
 Dyer, Merton S.  
 Ferguson, Charles  
 Gage, Ruth E.  
 Gosselin, Gerald O.  
 Greenglass, Alan B.  
 Hall, Betty B.  
 Holden, Carol H.  
 Keane, Cornelius J.  
 King, Frank P.  
 Laughlin, J. Francis  
 Lefebvre, Roland J.  
 Martin, Mary Ellen  
 McNerney, Daniel P.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Record, Alice B.

Reidy, Frank J.  
 Rodgers, G. Philip  
 Schneiderat, Catherine A.  
 Soucy, Donna M.  
 Tate, Joan C.  
 Wihby, Linda S.

Rheault, Lillian I.  
 Rothhaus, Finlay C.  
 Searles, Stanley N., Sr.  
 Steiner, Lee Anne  
 Vanderlosk, Stanley R.  
 Wright, George W.

Robinson, Ellen-Ann  
 Sallada, Roland A.  
 Smith, Leonard A.  
 Tarpley, Nancy L.  
 White, John M.

### MERRIMACK

Asplund, Bronwyn L.  
 Carter, Susan D.  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Nichols, Avis B.  
 Stapleton, Henry F.  
 Trombly, Rick A.  
 Whittemore, James A.

Boucher, Laurent J.  
 Chandler, Earle W.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Jelley, Francis D.  
 Letourneau, George E.  
 Millard, Elizabeth S.  
 Smith, Gerald R.  
 Stio, Peter M.  
 Wallner, Mary Jane  
 Yeaton, Charles B.

Braiterman, Thea  
 Chandler, John P.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Johnson, Joyce M.  
 Lewis, Mary Ann  
 Molner, Mary E.  
 Soldati, Jennifer G.  
 Teague, Bert  
 Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Connell, David R.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Gage, Beverly A.  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 Parr, Ednapearl F.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Terninko, Margaret B.  
 Vaughn, Charles L.

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Johnson, Robert A.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Rosencrantz, James R.  
 Schmidtchen, Rowland H.  
 Splaine, John E., Sr.  
 Thayer, Leroy C.  
 Woods, Deborah L.

Benton, Richardson D.  
 Clark, Martha Fuller  
 DiPietro, Carmela M.  
 Falwell, Robert V.  
 Flanders, David A.  
 Ford, Bert H.  
 Griebsch, Linda  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 Pantelakos, Laura C.  
 Roulston, Donald L.  
 Simon, Peter M.  
 Syracusa, Anthony  
 Tufts, Arthur

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 Marston, Robert E.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Sullivan, Henry P.  
 Wall, Janet G.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Hashem, Elaine M.  
 Kincaid, William K.  
 Martling, W. Kent  
 Musler, George T.  
 Pelley, Janet R.  
 Torr, Ann M.  
 Wheeler, Katherine W.

Brown, Julie M.  
 Foss, Patricia H.  
 Jankowski, Peter M.  
 Kinney, Paula J.  
 McCann, William H., Jr.  
 O'Brien, John  
 Spencer, Leo J.  
 Vincent, Francis C.  
 Young, John B.

**SULLIVAN**

|                       |                     |                      |
|-----------------------|---------------------|----------------------|
| Allison, David C.     | Behrens, Thomas A.  | Burling, Peter Hoe   |
| Flint, Gordon B.      | Harland, Jane A.    | Krueger, Richard H.  |
| Lindblade, Eric N.    | Middleton, John A.  | Peyron, Fredrik      |
| Rodeschin, Beverly T. | Schotanus, Merle W. | Stamatakis, Carol M. |
| Tetu, Michael A.      | Walsh, Robert R.    |                      |

and the amendment failed.

Rep. Warburton offered a second floor amendment.

**Floor Amendment**

Amend section 1 of the bill by deleting PAU 05, 01, 01, 03, 07, Multiple Offender Program.

Rep. Warburton spoke in favor.

Rep. Lozeau spoke against.

Rep. Spencer spoke against and yielded to questions.

The amendment failed.

Rep. Warburton offered a third floor amendment.

**Floor Amendment**

Amend section 1 of the bill by deleting PAU 01, 06, 01 Office of the Commissioner of Libraries, Arts and Historic Resources.

Rep. Warburton spoke in favor.

Rep. Sallada spoke against.

Rep. Scott Green spoke against.

The amendment failed.

Rep. Grodin abstained from voting under Rule 16.

Rep. Ferlan offered a floor amendment.

**Floor Amendment**

Amend the bill by replacing section 19 with the following:

19 Reduction in Consultants' Fees. All appropriations to class 46 in section 1 of this act are reduced by 20 percent for fiscal years 1992 and 1993. The amount reduced shall be used to fund underfunded or unfunded programs such as meals-on-wheels and revenue sharing, in a manner to be determined by the governor with the approval of the legislative fiscal committee.

20 Effective Date. This act shall take effect July 1, 1991.

Rep. Ferlan spoke in favor.

Rep. John Chandler spoke against and yielded to questions.

The amendment failed.

Rep. O'Brien offered a floor amendment.

**Floor Amendment**

Amend section 1 of the bill by deleting PAU 050301, veterans council.

Rep. O'Brien spoke in favor and yielded to questions.

Rep. Nielsen spoke against.

Rep. Fields spoke against and yielded to questions.

Rep. Benton spoke against.

The amendment failed.



Reps. Hager and Schotanus offered a floor amendment.

### Floor Amendment

Amend the bill by replacing section 19 with the following:

#### 19 Revenue Sharing.

I. When it is determined by the legislative fiscal committee, after consultation with the house ways and means committee, that general fund revenues will exceed the revenues projected in section 17 of this act, the excess is hereby appropriated for revenue sharing, in addition to the sums appropriated for revenue sharing in section 1 of this act. Such additional appropriations shall not exceed \$46,374,966 for fiscal year 1992 and \$23,695,186 for fiscal year 1993. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. Provided that the conditions of paragraph I are met and notwithstanding any other provisions of law, payments of distributions to cities and towns for revenue sharing for fiscal year 1992 and fiscal year 1993 shall be made in 4 equal payments on the fifteenth day of the months of September, December, March and June, beginning on September 15, 1991.

20 Effective Date. This act shall take effect July 1, 1991.

Rep. Schotanus spoke in favor and yielded to questions.

Rep. Keith spoke against.

Rep. LaMott spoke in favor

Rep. Frances Riley spoke against.

Rep. Chambers spoke against and yielded to questions.

Rep. Hager spoke in favor and yielded to questions.

Rep. Gross spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the floor amendment.

#### YEAS 69

#### NAYS 281

#### YEAS 69

#### BELKNAP

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Ziegra, Alice S.

Hawkins, Robert S.  
Rice, Thomas E. P., Jr.

Holbrook, Robert G.  
Vogler, Charles C.

#### CARROLL

Bradley, Jeb E.

Dodge, A. Gibb, Jr.

#### CHESHIRE

Pratt, Irene A.

Sawyer, Alfred P.

#### COOS

Merrill, Gerald P.

#### GRAFTON

Arnesen, Deborah L.  
Brown, Patricia B.  
Larson, Nils H., Jr.

Bean, Pamela B.  
Guest, Robert H.  
Teschner, Douglass P.

Brown, Channing T.  
LaMott, Paul I.  
Ward, Kathleen W.

**HILLSBOROUGH**

Amidon, Eleanor H.  
 Ford, Nancy M.  
 Holden, Carol H.  
 McNerney, Daniel P.  
 Nardi, Theodora P.  
 Rodgers, G. Philip

Durham, Susan B.  
 Haettenschwiller, Alphonse  
 Lown, Elizabeth D.  
 Moore, Elizabeth A.  
 Pignatelli, Debora B.

Ferguson, Charles  
 Healy, Walter F.  
 Martin, Mary Ellen  
 Murphy, Robert E.  
 Robinson, Ellen-Ann

**MERRIMACK**

Boucher, Laurent J.  
 Chandler, John P.  
 Hager, Elizabeth S.  
 Kidder, William F.  
 Teague, Bert

Braiterman, Thea  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Millard, Elizabeth S.  
 Yeaton, Charles B.

Carter, Susan D.  
 Gilbreth, Robert M.  
 Jelley, Francis D.  
 Nichols, Avis B.

**ROCKINGHAM**

Drake, Herbert R.  
 McCain, William F.  
 Sytek, Donna P.

Johnson, Robert A.  
 Parr, Ednapearl F.  
 Sytek, John J.

Lovejoy, Virginia K.  
 Splaine, John E., Sr.  
 Vaughn, Charles L.

**STRAFFORD**

Hashem, Elaine M.  
 Parks, Joe B.

Keans, Sandra B.

Marston, Robert E.

**SULLIVAN**

Behrens, Thomas A.  
 Schotanus, Merle W.

Harland, Jane A.  
 Stamatakis, Carol M.

Peyron, Fredrik

**NAYS 281****BELKNAP**

Bartlett, Gordon E.  
 Johnson, Carl R.  
 Salatiello, Thomas B.

Cain, Thomas G.  
 Joscelyn, William W.  
 Shibley, Arnold P.

Golden, Paul A.  
 Rosen, Ralph J.  
 Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
 Daly, Robert J., Jr.  
 Jean, Robert R.  
 Wiggin, Gordon E.

Beach, Mildred A.  
 Dickinson, Howard C.  
 Saunders, Howard N.

Chandler, Gene G.  
 Foster, Robert W.  
 Wiggin, Allen R.

**CHESHIRE**

Burnham, Daniel M.  
 Cole, Kenneth A.  
 DePecol, Benjamin J.  
 Grodin, Richard A.  
 Kennison, Wayne A.  
 Laurent, John J.  
 Pearson, Gertrude B.  
 Spear, Susan S.

Champagne, Richard L.  
 Cole, Stacey W.  
 Feuer, Joseph N.  
 Hogan, James B.  
 Kingsbury, H. Thayer  
 Lynch, Margaret A.  
 Perry, David M.

Clark, Eugene W.  
 Crutchley, Donald O.  
 Foster, Katherine D.  
 Hunt, John B.  
 LaMar, David M.  
 Morse, Jo Ann T.  
 Riley, William A.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Marsh, Beaton  
Oliver, Terry D.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Pratt, Leighton C.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Nelson, Harold D.  
Theriault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Copenhaver, Marion L.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Trelfa, Richard T.  
White, Paul R.

Chambers, Mary P.  
Driscoll, William J.  
Markley, J. Keith  
Shackett, Ralph E.  
Wadsworth, Karen O.

Christy, C. Dana  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Baker, George H., Sr.  
Buckley, Raymond  
Chasse, Richard D.  
Cote, David E.  
Daigle, Robert A.  
Desrosiers, William J.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gagnon, Gabrielle V.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Keane, Cornelius J.  
King, Frank P.  
L'Heureux, Robert J.  
Lawrence, Eva M.  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Ouellette, Robert O.  
Pepino, Leo P.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Stiles, Walter A.  
Turgeon, Roland M.  
Wheeler, Robert L.

Andrews, Frederick B.  
Baldizar, Barbara J.  
Burke, Stephen J.  
Clemons, Jane A.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Fenton, James J.  
Gage, Ruth E.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Healy, Daniel J.  
Jean, Romeo W.  
Kelley, Dana F.  
Kuchinski, Steve  
Lachut, Ervin R.  
Lawrence, Norman B.  
Lozeau, Donnalee M.  
McDowell, James E.  
Messier, Irene M.  
Packard, Bonnie B.  
Perham, Lester R.  
Rheault, Lillian I.  
Sallada, Roland A.  
Soucy, Donna M.  
Tarpley, Nancy L.  
Vanderlosk, Stanley R.  
White, John M.

Arnold, Barbara E.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Cook, Valerie S.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Elliott, Larry G.  
Ferland, Arthur P.  
Gagnon, Eugene L.  
Goulet, Maurice E.  
Hall, Betty B.  
Hultgren, David D.  
Johnson, Lionel W.  
Kelley, Robert N.  
Kurk, Neal M.  
Laughlin, J. Francis  
Leclerc, Charles J.  
Mason, Howard F.  
McRae, Karen K.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Record, Alice B.  
Riley, Frances L.  
Searles, Stanley N., Sr.  
Steiner, Lee Anne  
Tate, Joan C.  
Wheeler, David K.  
Wright, George W.

**MERRIMACK**

Asplund, Bronwyn L.  
Christie, Thomas J.  
Fair, Patricia A.  
Hill, Michael J.

Barberia, Richard A.  
Daneault, Gabriel J.  
Gross, Caroline L.  
Holmes, Mary C.

Chandler, Earle W.  
Dunn, Miriam D.  
Hayes, Robert C.  
Jacobson, Alf E.

Johnson, Joyce M.  
Lockwood, Robert A.  
Soldati, Jennifer G.  
Trombly, Rick A.  
Whitemore, James A.

Letourneau, George E.  
Molner, Mary E.  
Stapleton, Henry F.  
Wallner, Mary Jane

Lewis, Mary Ann  
Smith, Gerald R.  
Stio, Peter M.  
Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
Boucher, William P.  
Caswell, Albert, Jr.  
Clark, Martha Fuller  
Cote, Patricia L.  
Dube, LeRoy S.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Griebsch, Linda  
Hutchinson, Karen K.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Magoon, Harold F.  
McKinney, Betsy  
Pantelakos, Laura C.  
Rubin, George R.  
Senter, Marilyn P.  
Skinner, Patricia M.  
Terninko, Margaret B.  
Welch, David A.

Bell, Juanita L.  
Buco, Stephen W.  
Chase, Lawrence A., Jr.  
Coffey, John J.  
DiPietro, Carmela M.  
Falwell, Robert V.  
Flanders, David A.  
Ford, Bert H.  
Hoar, John, Jr.  
Hynes, Carolyn E.  
Keith, Brenda E.  
MacDonald, Joseph A.  
Malcolm, Kenneth W.  
Packard, Sherman A.  
Raynowska, Bernard J.  
Schanda, Joseph, Sr.  
Seward, Russell G.  
Smith, Arthur W.  
Tufts, Arthur  
Weyler, Kenneth L.

Benton, Richardson D.  
Campbell, Marilyn R.  
Chulack, Peter G., Sr.  
Connell, David R.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Kane, Cecelia D.  
Klemarczyk, Thaddeus E.  
MacKinnon, Nancy W.  
McCarthy, John J., Jr.  
Palazzo, Frank J.  
Rosencrantz, James R.  
Schmidtchen, Rowland H.  
Simon, Peter M.  
Syracusa, Anthony  
Warburton, Calvin  
Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Foss, Patricia H.  
Jankowski, Peter M.  
Martling, W. Kent  
Nehring, William H.  
Pelley, Janet R.  
Torr, Ann M.  
Wall, Janet G.

Bickford, Drucilla  
Douglass, Clyde J.  
Gilmore, Gary R.  
Kincaid, William K.  
McCann, William H., Jr.  
O'Brien, John  
Spencer, Leo J.  
Tsiros, William  
Wheeler, Katherine W.

Brown, Julie M.  
Flynn, Edward J.  
Hambrick, Patricia A.  
Kinney, Paula J.  
Musler, George T.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Vincent, Francis C.  
Young, John B.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Middleton, John A.  
Walsh, Robert R.

Burling, Peter Hoe  
Krueger, Richard H.  
Rodeschin, Beverly T.

Domini, Irene C.  
Lindblade, Eric N.  
Tetu, Michael A.

and the amendment lost.

Rep. Gross offered a floor amendment.

### Floor Amendment

Amend the bill by replacing section 19 with the following:

19 Revenue Sharing.



I. To provide sufficient funds for the sums appropriated in this act for payment of distributions to cities and towns for revenue sharing, the governor is hereby directed to reduce general funds appropriated for fiscal year 1992 by 7.9 percent and for fiscal year 1993 by 3.7 percent.

II. The governor shall, with the approval of the fiscal committee, reduce the rate of the reductions in paragraph I of this section, when it is determined that revenues are being received at rates that, if such rate were to continue, revenues received would exceed the estimates, by an amount not to exceed that which is necessary to satisfy paragraph I of this section.

20 Revenue Sharing; Appropriation. In addition to any other amounts appropriated for revenue sharing in section 1 of this act, there is hereby appropriated to the state treasurer for revenue sharing the sum of \$46,374,966 for the fiscal year ending June 30, 1992, and the sum of \$23,695,186 for the fiscal year ending June 30, 1993. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

21 Schedule of Payments. Notwithstanding any other provisions of law, payments of distributions to cities and towns for revenue sharing for fiscal year 1992 and fiscal year 1993 shall be made in 4 equal payments on the fifteenth day of the months of September, December, March and June, beginning on September 15, 1991.

22 Effective Date. This act shall take effect July 1, 1991.

Rep. Gross spoke in favor and yielded to questions.

Rep. Douglas Hall requested that the question be divided.

The Chair ruled that the question was divisible.

Question being on sections 20 through 22 of the floor amendment.

Sections 20 through 22 were adopted.

Question being on section 19 of the floor amendment.

Rep. Douglas Hall spoke against and yielded to questions.

Rep. Gross spoke in favor and yielded to questions.

Rep. Spear spoke against.

Rep. Trombly spoke against.

Reps. Robert Wheeler and Jasper spoke in favor.

Roll call request sufficiently seconded.

The question being on Section 19.

#### YEAS 185

Accornero, Harry  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

Cain, Thomas G.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

#### YEAS 185 BELKNAP

#### NAYS 177

Golden, Paul A.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

#### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Jean, Robert R.  
Wiggin, Gordon E.

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Allen R.

**CHESHIRE**

Cole, Kenneth A.  
Feuer, Joseph N.  
Hunt, John B.  
Pearson, Gertrude B.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Perry, David M.

Crutchley, Donald O.  
Hogan, James B.  
Morse, Jo Ann T.

**COOS**

Brungot, Catherine V.  
Marsh, Beaton  
Pratt, Leighton C.

Guay, Lawrence J.  
Merrill, Gerald P.

Horton, Lynn C.  
Nelson, Harold D.

**GRAFTON**

Christy, C. Dana  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.

Dow, David  
Lougee, Richard W.  
Shackett, Ralph E.  
Whitcomb, Henry F., Jr.

Driscoll, William J.  
Markley, J. Keith  
Trelfa, Richard T.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Cook, Valerie S.  
Desrosiers, William J.  
Drolet, Paul L.  
Fields, Dennis H.  
Greenglass, Alan B.  
Hultgren, David D.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lefebvre, Roland J.  
McRae, Karen K.  
Pepino, Leo P.  
Rheault, Lillian I.  
Rothhaus, Finlay C.  
Searles, Stanley N., Sr.  
Tate, Joan C.  
Wheeler, Robert L.

Andrews, Frederick B.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Elliott, Larry G.  
Gagnon, Eugene L.  
Healy, Daniel J.  
Jasper, Shawn N.  
Kelley, Robert N.  
Lawrence, Eva M.  
Mason, Howard F.  
Mercer, Robert S.  
Perham, Lester R.  
Riley, Frances L.  
Sallada, Roland A.  
Steiner, Lee Anne  
Vanderlosk, Stanley R.  
Wihby, Linda S.

Arnold, Barbara E.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Fenton, James J.  
Goulet, Maurice E.  
Holden, Carol H.  
Jean, Romeo W.  
Kurk, Neal M.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
Ouellette, Robert O.  
Record, Alice B.  
Rodgers, G. Philip  
Schneiderat, Catherine A.  
Stiles, Walter A.  
Wheeler, David K.  
Wright, George W.

**MERRIMACK**

Asplund, Bronwyn L.  
Christie, Thomas J.  
Hill, Michael J.  
Lewis, Mary Ann  
Nichols, Avis B.  
Whittemore, James A.

Barberia, Richard A.  
Gross, Caroline L.  
Holmes, Mary C.  
Lockwood, Robert A.  
Stapleton, Henry F.

Chandler, Earle W.  
Hayes, Robert C.  
Kidder, William F.  
Millard, Elizabeth S.  
Stio, Peter M.

**ROCKINGHAM**

Barnes, John S., Jr.  
Chase, Lawrence A., Jr.  
Connell, David R.  
Drake, Herbert R.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Gage, Beverly A.

Benton, Richardson D.  
Chulack, Peter G., Sr.  
Cote, Patricia L.  
Dube, LeRoy S.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Hoar, John, Jr.

Campbell, Marilyn R.  
Coffey, John J.  
Dowd, Sandra K.  
Falwell, Robert V.  
Flanders, David A.  
Ford, Bert H.  
Hoelzel, Kathleen M.

Hutchinson, Karen K.  
Keith, Brenda E.  
Malcolm, Kenneth W.  
Packard, Sherman A.  
Rubin, George R.  
Seward, Russell G.  
Smith, Arthur W.  
Tufts, Arthur  
Weyler, Kenneth L.

Hynes, Carolyn E.  
Klemm, Arthur P., Jr.  
McCarthy, John J., Jr.  
Parr, Ednapearl F.  
Schmidtchen, Rowland H.  
Simon, Peter M.  
Sytek, Donna P.  
Warburton, Calvin

Katsakiores, George N.  
Magoon, Harold F.  
McKinney, Betsy  
Raynowska, Bernard J.  
Senter, Marilyn P.  
Skinner, Patricia M.  
Thayer, Leroy C.  
Welch, David A.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Kincaid, William K.  
Musler, George T.  
Sullivan, Henry P.  
Young, John B.

Bickford, Drucilla  
Flynn, Edward J.  
Kinney, Paula J.  
Nehring, William H.  
Torr, Ann M.

Corte, Arthur B.  
Foss, Patricia H.  
Martling, W. Kent  
Parks, Joe B.  
Tsiros, William

### SULLIVAN

Domini, Irene C.  
Middleton, John A.

Krueger, Richard H.  
Peyron, Fredrik

Lindblade, Eric N.  
Rodeschin, Beverly T.

### NAYS 177

### BELKNAP

Bartlett, Gordon E.  
Hawkins, Robert S.  
Maviglio, Steven R.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Salatiello, Thomas B.

Dewhirst, Glenn E.  
Joscelyn, William W.  
Vogler, Charles C.

### CARROLL

Bradley, Jeb E.

Dodge, A. Gibb, Jr.

### CHESHIRE

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Pratt, Irene A.  
Spear, Susan S.

Champagne, Richard L.  
Foster, Katherine D.  
LaMar, David M.  
Riley, William A.

Clark, Eugene W.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Sawyer, Alfred P.

### COOS

Coulombe, Henry W.  
Mayhew, Josephine

Hawkinson, Marie C.  
Oliver, Terry D.

Kilbride, Dennis J.  
Theriault, Romeo J.

### GRAFTON

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Ward, Kathleen W.

Arnesen, Deborah L.  
Brown, Patricia B.  
Guest, Robert H.  
Mellwaine, Deborah P.  
Stewart, Roger D.

Bean, Pamela B.  
Chambers, Mary P.  
LaMott, Paul I.  
Nordgren, Sharon L.  
Teschner, Douglass P.

**HILLSBOROUGH**

|                            |                       |                         |
|----------------------------|-----------------------|-------------------------|
| Amidon, Eleanor H.         | Baker, George H., Sr. | Baldizar, Barbara J.    |
| Baroody, Benjamin C.       | Bourque, Ann J.       | Buckley, Raymond        |
| Calawa, Leon, Jr.          | Chasse, Richard D.    | Clemons, Jane A.        |
| Cote, David E.             | Crotty, Edward J.     | Daigle, Robert A.       |
| Desrochers, Gerard T.      | Donovan, Francis X.   | Drabinowicz, A. Theresa |
| Durham, Susan B.           | Dwyer, Patricia R.    | Dyer, Merton S.         |
| Emerton, Lawrence A.       | Ferguson, Charles     | Ferlan, Arthur P.       |
| Ford, Nancy M.             | Gage, Ruth E.         | Gagnon, Gabrielle V.    |
| Gosselin, Gerald O.        | Green, Scott E.       | Gureckis, Adam C., Sr.  |
| Haettenschwiller, Alphonse | Hall, Betty B.        | Hanselman, Gregory L.   |
| Healy, Walter F.           | Johnson, Lionel W.    | Keane, Cornelius J.     |
| King, Frank P.             | Kuchinski, Steve      | Lachut, Ervin R.        |
| Laughlin, J. Francis       | Leclerc, Charles J.   | Lown, Elizabeth D.      |
| Lozeau, DonnaLee M.        | Martin, Mary Ellen    | McDowell, James E.      |
| McNerney, Daniel P.        | Messier, Irene M.     | Moore, Elizabeth A.     |
| Murphy, Robert E.          | Nardi, Theodora P.    | O'Rourke, Joanne A.     |
| Packard, Bonnie B.         | Paquette, Rodolphe G. | Pignatelli, Debora B.   |
| Reidy, Frank J.            | Robinson, Ellen-Ann   | Smith, Leonard A.       |
| Soucy, Donna M.            | Tarpley, Nancy L.     | Turgeon, Roland M.      |
| White, John M.             |                       |                         |

**MERRIMACK**

|                     |                      |                       |
|---------------------|----------------------|-----------------------|
| Boucher, Laurent J. | Braiterman, Thea     | Carter, Susan D.      |
| Chandler, John P.   | Daneault, Gabriel J. | Dunn, Miriam D.       |
| Fair, Patricia A.   | Fillion, Paul R.     | Gilbreth, Robert M.   |
| Hager, Elizabeth S. | Hall, Douglas E.     | Jacobson, Alf E.      |
| Jelley, Francis D.  | Johnson, Joyce M.    | Letourneau, George E. |
| Molner, Mary E.     | Smith, Gerald R.     | Soldati, Jennifer G.  |
| Teague, Bert        | Trombly, Rick A.     | Wallner, Mary Jane    |
| Weeks, John F., Jr. | Yeaton, Charles B.   |                       |

**ROCKINGHAM**

|                         |                       |                      |
|-------------------------|-----------------------|----------------------|
| Bell, Juanita L.        | Boucher, William P.   | Buco, Stephen W.     |
| Caswell, Albert, Jr.    | Clark, Martha Fuller  | DiPietro, Carmela M. |
| Griebsch, Linda         | Johnson, Robert A.    | Kane, Cecelia D.     |
| Klemarczyk, Thaddeus E. | Lovejoy, Virginia K.  | MacDonald, Joseph A. |
| MacKinnon, Nancy W.     | McCain, William F.    | Palazzo, Frank J.    |
| Pantelakos, Laura C.    | Rosencrantz, James R. | Roulston, Donald L.  |
| Schanda, Joseph, Sr.    | Splaine, John E., Sr. | Syracusa, Anthony    |
| Sytek, John J.          | Terninko, Margaret B. | Vaughn, Charles L.   |
| Woods, Deborah L.       |                       |                      |

**STRAFFORD**

|                       |                         |                       |
|-----------------------|-------------------------|-----------------------|
| Brown, Julie M.       | Gilmore, Gary R.        | Hambrick, Patricia A. |
| Hashem, Elaine M.     | Jankowski, Peter M.     | Keans, Sandra B.      |
| Marston, Robert E.    | McCann, William H., Jr. | Merrill, Amanda A.    |
| O'Brien, John         | Pageotte, Donald P.     | Pelley, Janet R.      |
| Spencer, Leo J.       | Vincent, Francis C.     | Wall, Janet G.        |
| Wheeler, Katherine W. |                         |                       |



**SULLIVAN**

Allison, David C.  
 Flint, Gordon B.  
 Stamatakis, Carol M.

Behrens, Thomas A.  
 Harland, Jane A.  
 Tetu, Michael A.

Burling, Peter Hoe  
 Schotanus, Merle W.  
 Walsh, Robert R.

and the Section 19 was adopted.

Amendment adopted.

**REMARKS**

Rep. Hanselman moved that the remarks of Rep. Douglas Hall be printed in the Journal.

Adopted.

Rep. Douglas Hall: Thank you Mr. Speaker. I would like to thank you in particular for allowing the question to be divided because I know this is your amendment as well as Reps. Gross, Michael Hill and Ann Torr. I stand up here now with some degree of sadness and some degree of anger about where we are.

What section 19 does is to give to the Governor an authority that this House has never granted to a Governor, any Governor, and that is a line item veto. Just read section 19 one minute. It says that the Governor is directed, he's not just authorized, he is directed to reduce general funds appropriated for fiscal year 1992 by 7.9 percent, for fiscal year 1993 by 3.7 percent. Those numbers sound small but they translate into the numbers that are down there that we just voted to appropriate for municipal revenue sharing. \$46 million to be cut in the first year. It does not say, and I've heard people talking about this saying, well this is just an across-the-board cut, read that again. This is not an across-the-board cut. It gives the Governor the authority to go anywhere he wants, take any amount of money out of any line item in order to come up with the total \$46 million. That's the equivalent of the entire University System. There are any number of places, some of which Rep. Pignatelli mentioned this morning that the Governor could go to to take money. We would all like to sit here and think he won't go to the area that I'm concerned about, but we don't know. This section of this amendment is a total abdication of responsibility on the part of this House. I don't mind that many of you, perhaps all of you, would set different priorities about what should be funded within the revenues we have. We're here as a deliberative body to work out those differences. What I do mind is saying we can't work them out. I do mind saying this is an easy one, we'll just appropriate money for municipal revenue sharing and hope that will be free money coming from someplace unspecified. This action, in addition, would set a precedent for future budgets which I think is totally unacceptable. Why would anybody want to go through the work for two months that an Appropriations committee has to go through to put together on a zero base a budget for the State of New Hampshire and then simply say to the Governor, go take anything out you want. It might make sense today because of the constraints we're operating under, the inability you feel to vote for this and not that, but if we set this precedent it's going to be hard to walk away from it the next time. I think the other and perhaps the most damning problem with this is how the public will perceive it. The biggest problem in the body politic is the sense that you can have a free lunch, that you can have government services and not pay for them. What this does is say they're right. Because we can provide municipal aid without telling anybody where it is going to come from. One of the purposes of this body ought to be to make sure the public does understand what the issues are. This amendment, if we pass it, this section 19, says to the public we don't understand what the issues are, and if we did we are not willing to

grapple with them. Does that build confidence in government? Rep. Gross said we have a revenue problem not a spending problem. I've agreed with that from the beginning. So let's leave it as a revenue problem. Let's pass to the Senate a budget that has municipal aid in it, that will be \$35 million a year out of balance, and if we're going to ask them to do something, let's ask them to come up with the revenue that we've been afraid to come up with. If you have ever opposed a line item veto in a vote in this House, then you have to oppose section 19, because that's what it is. If you oppose any of the cuts the Governor had already indicated he would make to the University System, putting responsibility back on the counties for home nursing care, school building aid, and other items that he has already proposed to cut. If you've opposed those, then you better oppose section 19, because you are giving him the authority to make those cuts with no further legislative oversight. If you believe the House has a process that we have to respect and has a responsibility to make some decisions and not just punt, then you should oppose this. I urge you to defeat section 19 of this amendment. Thank you.

Rep. Buckley: Thank you Mr. Speaker. Rep. Hall, would you not agree that it would have been a wiser choice to instruct the House Appropriations Committee to have a vote earlier today, or sometime before today, that the first priority to be revenue sharing, we will not raise any more revenue, now take back the budget and cut 7.9 percent from that? That way the process would have continued instead of passing on our responsibilities to the Governor.

Rep. Hall: I agree it would have. Last night when I had heard that this amendment was going to be proposed, I went back and I proposed for myself an amendment that would have made those cuts to make this \$46 million available. As I did it, it became clear to me that the very items that are in those sheets that you've gotten on Tuesday and today, they're right there, you know what the Appropriations Committee would have had to cut. They were the priorities that came in last. They were not in HB 25 as it was first put together. I simply made the decision that this House wouldn't support that. I might have been wrong. But, I'm not offering that amendment now, because I had the sense that this House would no more support that than it would support not funding municipal aid. So I'm not offering that amendment, although it would have been legitimate to do, I'm simply urging at this point that you not give the Governor this draconian authority.

Rep. (Question): Rep. Hall, would you believe that when this was explained to me last night, I thought it was an across-the-board cut? If this were an across-the-board cut, would you then support this amendment?

Rep. Hall: I would believe that that's what you thought. I know many members of this House thought that. If it were that, I don't know how you would feel but I could not support it for a number of reasons. You cannot do a 7.9 percent cut to debt service. You cannot do a 7.9 percent cut to a number of line items including the municipal aid, including foundation aid, that everybody says they want. What you end up with is not an across-the-board cut even if you try to phrase it that way. So, look at the wording here, it is not an across-the-board cut.

#### REMARKS

Rep. O'Brien moved that the words of Rep. Trombly be printed in the Journal.  
Adopted.

Rep. Trombly: Thank you members of the House. I don't think in 12 years I've ever stood up and spoken on an issue relating to the budget, but I have to today.

because I'm reminded of something listening to this debate. When I was young, and it really wasn't all that long ago, even though I don't look that way, a bus came to the Boscawen Elementary School and hauled us all down to the gym in Penacook. We saw a play. The play was "The Devil and Daniel Webster". I didn't even understand it. But, as I got older I did. I realized it was a morality play.

The story, for those of you who don't know it, and briefly, is about a farmer, a good and virtuous man, a family man, who cared very much for his wife and children and the land which he farmed. They ran on some tough times, very tough times and his family was suffering and he was suffering and he didn't know what he was going to do. Then one day a stranger came by his farm. It was Scratch. Mr. Scratch said to him, sign on the dotted line, I'll bring you good luck, I'm going to come back and I'll collect later, but don't worry because times are going to be great. He thought of his wife and his children and he signed. He signed on the dotted line and he made a contract with Scratch. He had wonderful times. He prospered when his neighbors failed. His family, his children and he himself survived good times and bad times. Then one day, along came Scratch. He said to the farmer, you have to pay up, and he had forgotten. He didn't remember why things worked as well as they did. But Scratch did, he said pay up. The price was his soul, and he didn't know what to do.

Daniel Webster came to defend him and the jury was picked by Scratch and it was made up of thugs and thieves and pirates and robbers. Scratch presented his contract. Pay up, that this was it. Daniel Webster thought, he didn't know how he was going to win this argument because there was the contract. The farmer wouldn't deny that it was his signature and he didn't deny that he benefited from that contract either, but he didn't want to pay and Daniel Webster didn't know what he was going to do. He couldn't argue it on the law, so he argued in a different way. He argued for the soul of his client to these criminals and crooks, by talking about the virtue of being a New Hampshire man. About what it meant to live in this state, to the honor and the integrity of its citizens. I remember in the play, there is a line that Daniel Webster looked in the eyes of the jury and saw their hearts melt and he won.

This is an argument for the soul of the House. At one point during the play, Scratch opened up a black bag and out flew something that looked like a moth and sounded like the farmer's neighbor. Scratch had gotten that one, but he didn't get this farmer. For over 200 years we have acted with integrity, I've been in the majority, I've been in the minority, but we've done what we are supposed to do. I think that we must win this argument here today. It is our responsibility to do what we have to do. We cannot shuffle it down the hall, because I don't know what is going to happen. I don't know what the price is going to be. But I do know that if you vote in favor of these sections, you take away from yourselves and the history and the people that have preceded us here. For what, so we can say that we passed a balanced budget, knowing full well in our minds that every speaker who stood up here today and everyone who has sat listening knows that the Senate will do what they want. The victory to say that we have balanced this budget is not so important that the battle we have to win is the integrity of this House. Thank you.

Rep. Betty Hall spoke to the bill and yielded to questions.

The question was on the amended committee report.

Roll call request sufficiently seconded.

**YEAS 216**

Accornero, Harry  
Campbell, Richard H., Jr.  
Joscelyn, William W.  
Shibley, Arnold P.  
Ziegra, Alice S.

Allard, Nanci A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Allen R.

Clark, Eugene W.  
Crutchley, Donald O.  
Hogan, James B.  
Morse, Jo Ann T.  
Sawyer, Alfred P.

Brungot, Catherine V.  
Marsh, Beaton  
Pratt, Leighton C.

Brown, Channing T.  
Driscoll, William J.  
Markley, J. Keith  
Stewart, Roger D.  
Whitcomb, Henry F., Jr.

Ahrens, Frederick G.  
Buckley, Raymond  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Elliott, Larry G.  
Fields, Dennis H.  
Greenglass, Alan B.  
Hultgren, David D.  
Kelley, Robert N.  
Lawrence, Eva M.  
Mason, Howard F.  
Messier, Irene M.  
Packard, Bonnie B.  
Record, Alice B.  
Robinson, Ellen-Ann

**YEAS 216****BELKNAP**

Bartlett, Gordon E.  
Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Beach, Mildred A.  
Dickinson, Howard C.  
Jean, Robert R.  
Wiggin, Gordon E.

**CHESHIRE**

Cole, Kenneth A.  
Feuer, Joseph N.  
Hunt, John B.  
Pearson, Gertrude B.

**COOS**

Guay, Lawrence J.  
Merrill, Gerald P.

**GRAFTON**

Christy, C. Dana  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
White, Paul R.

**HILLSBOROUGH**

Andrews, Frederick B.  
Calawa, Leon, Jr.  
Danicls, Gary L.  
Domaingue, Jacquelyn M.  
Fenton, James J.  
Gagnon, Eugene L.  
Healy, Daniel J.  
Jasper, Shawn N.  
Kurk, Neal M.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
Moore, Elizabeth A.  
Pepino, Leo P.  
Rheault, Lillian I.  
Rodgers, G. Philip

**NAYS 144**

Cain, Thomas G.  
Johnson, Carl R.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Perry, David M.

Horton, Lynn C.  
Nelson, Harold D.

Dow, David  
Lougee, Richard W.  
Shackett, Ralph E.  
Wadsworth, Karen O.

Arnold, Barbara E.  
Cook, Valerie S.  
Desrosiers, William J.  
Durham, Susan B.  
Ferlan, Arthur P.  
Goulet, Maurice E.  
Holden, Carol H.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lefebvre, Roland J.  
Merecer, Robert S.  
Ouellette, Robert O.  
Perham, Lester R.  
Riley, Frances L.  
Rothhaus, Finlay C.



Sallada, Roland A.  
Steiner, Lee Anne  
Tate, Joan C.  
Wheeler, Robert L.

Schneiderat, Catherine A.  
Stiles, Walter A.  
Vanderlosk, Stanley R.  
Wihby, Linda S.

Searles, Stanley N., Sr.  
Tarpley, Nancy L.  
Wheeler, David K.  
Wright, George W.

### MERRIMACK

Asplund, Bronwyn L.  
Carter, Susan D.  
Gross, Caroline L.  
Hill, Michael J.  
Kidder, William F.  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Whittemore, James A.

Barberia, Richard A.  
Chandler, Earle W.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

Boucher, Laurent J.  
Christie, Thomas J.  
Hayes, Robert C.  
Jacobson, Alf E.  
Lockwood, Robert A.  
Smith, Gerald R.  
Teague, Bert

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Coffey, John J.  
DiPietro, Carmela M.  
Dube, LeRoy S.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Hynes, Carolyn E.  
Keith, Brenda E.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Parr, Ednapearl F.  
Rubin, George R.  
Seward, Russell G.  
Smith, Arthur W.  
Thayer, Leroy C.  
Welch, David A.

Benton, Richardson D.  
Chase, Lawrence A., Jr.  
Connell, David R.  
Dowd, Sandra K.  
Falwell, Robert V.  
Flanders, David A.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Raynowska, Bernard J.  
Schmidtchen, Rowland H.  
Simon, Peter M.  
Sytek, Donna P.  
Tufts, Arthur  
Weyler, Kenneth L.

Buco, Stephen W.  
Chulack, Peter G., Sr.  
Cote, Patricia L.  
Drake, Herbert R.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Gage, Beverly A.  
Hutchinson, Karen K.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
McCain, William F.  
Packard, Sherman A.  
Rosencrantz, James R.  
Senter, Marilyn P.  
Skinner, Patricia M.  
Sytek, John J.  
Warburton, Calvin  
Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Foss, Patricia H.  
Marston, Robert E.  
Nehring, William H.  
Torr, Ann M.  
Young, John B.

Bickford, Drucilla  
Douglass, Clyde J.  
Kincaid, William K.  
Martling, W. Kent  
Parks, Joe B.  
Tsiros, William

Brown, Julie M.  
Flynn, Edward J.  
Kinney, Paula J.  
Musler, George T.  
Sullivan, Henry P.  
Wall, Janet G.

### SULLIVAN

Domini, Irene C.  
Middleton, John A.

Krueger, Richard H.  
Peyron, Fredrik

Lindblade, Eric N.  
Rodeschin, Beverly T.

### NAYS 144 BELKNAP

Dewhirst, Glenn E.  
Maviglio, Steven R.

Hawkins, Robert S.  
Salatiello, Thomas B.

Holbrook, Robert G.  
Vogler, Charles C.

**CARROLL**

Bradley, Jeb E.

**CHESHIRE**

Burnham, Daniel M.  
Foster, Katherine D.  
LaMar, David M.  
Riley, William A.

Champagne, Richard L.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Spear, Susan S.

DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Pratt, Irene A.

**COOS**

Coulombe, Henry W.  
Oliver, Terry D.

Hawkinson, Marie C.  
Theriault, Romeo J.

Mayhew, Josephine

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Guest, Robert H.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

Arnesen, Deborah L.  
Chambers, Mary P.  
LaMott, Paul I.  
Nordgren, Sharon L.  
Ward, Kathleen W.

Bean, Pamela B.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Scanlan, David M.

**HILLSBOROUGH**

Amidon, Eleanor H.  
Barody, Benjamin C.  
Chasse, Richard D.  
Crotty, Edward J.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Ferguson, Charles  
Gagnon, Gabrielle V.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Johnson, Lionel W.  
Kuchinski, Steve  
Leclerc, Charles J.  
Martin, Mary Ellen  
McRae, Karen K.  
O'Rourke, Joanne A.  
Reidy, Frank J.  
Turgeon, Roland M.

Baker, George H., Sr.  
Bourque, Ann J.  
Clemons, Jane A.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Ford, Nancy M.  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Keane, Cornelius J.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
McDowell, James E.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Smith, Leonard A.  
White, John M.

Baldizar, Barbara J.  
Burke, Stephen J.  
Cote, David E.  
Desrochers, Gerard T.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Green, Scott E.  
Hall, Betty B.  
Jean, Romeo W.  
King, Frank P.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
McNerney, Daniel P.  
Nardi, Theodora P.  
Pignatelli, Debora B.  
Soucy, Donna M.

**MERRIMACK**

Braiterman, Thea  
Dunn, Miriam D.  
Gilbreth, Robert M.  
Johnson, Joyce M.  
Soldati, Jennifer G.  
Weeks, John F., Jr.

Chandler, John P.  
Fair, Patricia A.  
Hall, Douglas E.  
Letourneau, George E.  
Trombly, Rick A.  
Yeaton, Charles B.

Daneault, Gabriel J.  
Fillion, Paul R.  
Jelley, Francis D.  
Molner, Mary E.  
Wallner, Mary Jane

**ROCKINGHAM**

|                         |                       |                      |
|-------------------------|-----------------------|----------------------|
| Bell, Juanita L.        | Boucher, William P.   | Caswell, Albert, Jr. |
| Clark, Martha Fuller    | Griebisch, Linda      | Kane, Cecelia D.     |
| Klemarczyk, Thaddeus E. | MacDonald, Joseph A.  | MacKinnon, Nancy W.  |
| Palazzo, Frank J.       | Roulston, Donald L.   | Schanda, Joseph, Sr. |
| Syracusa, Anthony       | Terninko, Margaret B. | Vaughn, Charles L.   |

**STRAFFORD**

|                       |                       |                         |
|-----------------------|-----------------------|-------------------------|
| Gilmore, Gary R.      | Hambrick, Patricia A. | Hashem, Elaine M.       |
| Jankowski, Peter M.   | Keans, Sandra B.      | McCann, William H., Jr. |
| Merrill, Amanda A.    | O'Brien, John         | Pageotte, Donald P.     |
| Pelley, Janet R.      | Spencer, Leo J.       | Vincent, Francis C.     |
| Wheeler, Katherine W. |                       |                         |

**SULLIVAN**

|                      |                    |                     |
|----------------------|--------------------|---------------------|
| Allison, David C.    | Behrens, Thomas A. | Burling, Peter Hoc  |
| Flint, Gordon B.     | Harland, Jane A.   | Schotanus, Merle W. |
| Stamatakis, Carol M. | Tetu, Michael A.   | Walsh, Robert R.    |

and the amended committee report was adopted.

Ordered to third reading.

Rep. Buckley notified the Clerk that he inadvertently voted yea and meant to vote nay.

**UNANIMOUS CONSENT**

Rep. Parr addressed the House.

Rep. Parr: Thank you Mr. Speaker and members of the House. I wish to thank all of you for your flowers and your cards that you have sent me since I've been ill. And, believe you me, I have been ill. I have been taking chemotherapy since the first of January. I have one more thing to ask of you all. I am going into the hospital Saturday, I'm going to be operated on on Monday at Mary Hitchcock Hospital. I need your prayers, I need your good thoughts and I need the people that live in and around Hanover to please come to see me. I will be in the hospital for three weeks and I'm 130 miles from home. Please, I need your prayers. It is a very serious operation. They have informed me it is an all-day operation.

**RECESS****REGULAR CALENDAR (Continued)**

**HB 26-A**, relative to state revenues and expenditures. **OUGHT TO PASS WITH AMENDMENT.**

This bill is the rest of the budget, the unfunded part. The Committee is reporting it to the floor and recommending its passage to the Senate so that the Committee clearly points out the other programs that it believes should be part of the basic budget if funds were available. Vote 12-6. Rep. Elizabeth S. Hager for Appropriations.

**Amendment**

The Amendment was printed in its entirety in House Record No. 61-A, April 5, 1991.

Adopted.

**LAID ON THE TABLE**

Rep. Ann Torr moved that HB 26-A be laid on the table.

Adopted.

**ENROLLED BILLS REPORT**

**HB 106-FN**, establishing a committee to study the feasibility of an enhanced state-wide uniform emergency 911 telephone system.

**HB 132-FN**, reclassifying portions of certain highways in the town of Sandwich.

**HB 138-FN**, relative to spousal support.

**HB 167-FN**, relative to airman certificates and fees.

**HB 240**, relative to the disposition of the Kona Wildlife Management Area.

**HB 253-FN**, naming a certain segment of U.S. Route 202 the General Isaac Davis White highway.

**HB 288-FN**, establishing a study committee on premature births.

**HB 290-FN**, relative to the sale of hunting licenses.

**HB 333**, relative to notification of insurance cancellation.

**HB 414**, relative to unfair claim settlement practices.

**HB 459**, relative to notice received by the wetlands board from local conservation commissions.

**HB 531-FN**, relative to personal care for the severely physically disabled.

**HB 656**, relative to criminal mischief.

**HB 703-FN**, relative to the negligent discharge of firearms.

**HB 711-FN**, extending the reporting date for the committee to study child care in public and private sector buildings.

Rep. Beaton Marsh  
for the Committee

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill number 60-A shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading referral**

**SB 60-A**, creating a task force to study the Laconia - I-93 connector highway. (Public Works)

**REGULAR CALENDAR (Continued)**

**HB 65-FN-A**, relative to a furlough program for employees of the state. **OUGHT TO PASS WITH AMENDMENT.**

This bill is the support document for the budget. It contains changes in the RSAs that are necessary because of decisions made in regard to items in HB 25-A. It will be explained in full on the floor Tuesday, along with HB 25-A and HB 26-A. Vote 11-7. Rep. Elizabeth S. Hager for Appropriations.

Rep. Hager yielded to questions.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to administration and enforcement of the securities  
laws, state employee benefits, and state fees,  
funds, revenues, and expenditures.



Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Rulemaking Added. Amend RSA 21-I:14 by inserting after paragraph XII the following new paragraph:

XII-a. Procedures for the waiver of certain provisions of RSA 21-I relative to purchasing under RSA 21-I:18, II.

2 Waiver Procedure Added. Amend RSA 21-I:18 to read as follows:

21-I:18 Exemptions.

I. To the extent indicated in this section, the following agencies and purchases are exempted from the provisions of this chapter. All exempt purchases shall be made in accordance with the existing laws governing such purchases:

[I.](a) The university system of New Hampshire shall not be required to make any purchases through the director of plant and property management, unless it wishes to do so. If it does, the director shall be required to follow the provisions of this chapter. The university system shall make purchases under competitive bidding requirements except when waived by the chancellor of the university system or his authorized agent upon written justification.

[II.](b) The purchasing powers now vested in the state liquor commission by RSA 176:11, RSA 176:15, and RSA 177:1 shall remain in effect. All other purchases by or for said commission shall be subject to the provisions of this chapter.

[III.](c) The legislature, secretary of state, court systems and the state reporter are completely exempted from the provisions of this chapter.

[IV.](d) This chapter shall not apply to any contracts made or entered into by the director of plant and property management or any agency under the terms of which contractors with the state purchase their own supplies directly.

[V.](e) The purchase of materials, supplies and merchandise by the department of resources and economic development as provided by RSA 219:21 shall not be subject to the provisions of this chapter.

[VI.](f) All state agencies are exempted in the matter of the purchase of books and periodicals.

[VII.](g) The purchase of gaming tickets and their dispensing equipment by the sweepstakes commission. The commission shall make such purchases under competitive bidding requirements, except when waived by the commission or its authorized agent with written justification.

[VIII.](h) The purchase of client rehabilitative equipment and supplies for disabled persons by the division of vocational rehabilitation, including adaptive equipment as provided by RSA 200-C:16, shall not be subject to the provisions of this chapter.

**II. Notwithstanding any other provision of law, the commissioner of the department of administrative services, or his designee, may waive the provisions of RSA 21-I, relative to the purchase of materials, supplies, and merchandise, when requested by the executive head of any department or agency or his designee to prevent the loss of any federal or other funds subject to recapture. Such waiver shall be acted upon in a timely manner, and approval shall not be unreasonably withheld.**

3 Medical and Surgical Benefits. Amend RSA 21-I:30, I to read as follows:

I. The state shall pay [the full] a premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and each retired employee, as

defined in paragraph 11 of this section, and his spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption. Funds appropriated for this purpose shall not be transferred or used for any other purpose.

4 Filing; Intent to Cut. Amend RSA 79:10 to read as follows:

79:10 Notice of Intent to Cut.

I. Every owner, as defined in RSA 79:1, II, shall, at the beginning of each tax year and prior to commencing each cutting operation, file with the proper assessing officials in the city or town where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating his name, residence, social security number, an estimate of the volume of each species to be cut, and such other information as may be required. A supplemental notice of intent shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year. The appropriate copies of all intents received by a city or town shall be forwarded to the commissioner of revenue administration by the assessing officials. Upon receipt of an original intent, the commissioner of revenue administration shall assign an operation number and furnish, without cost to the owner, a certificate and report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city or town. The appropriate copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of resources and economic development. Starting an operation before the appropriate notice of intent to cut has been filed with the city or town and signed by the appropriate municipal officials shall constitute a violation by the owner or any other person doing the cutting, or both. Failure to post the certificate on the job in a conspicuous place upon receipt shall constitute a violation.

**II. Notwithstanding the provisions of paragraph I, any owner who has commenced cutting operations under a valid notice of intent to cut prior to April 1 shall not be required to file for a new notice of intent if the cutting operation will be completed prior to June 30 of that year.**

5 Fees; Acute Care Hospitals, Specialty Hospitals, and Nursing Homes. Amend RSA 151-C:15, I to read as follows:

I. In addition to any other fees required of it, each acute care hospital, specialty hospital, and nursing home licensed under RSA 151 shall pay an annual administrative fee of up to 1/10 of one percent of their previous year's revenue minus contractual allowances or, if a new facility, up to 1/10 of one percent of their projected first year revenue minus contractual allowances. The total amount collected shall not exceed [\$400,000] **\$500,000** per year to be prorated at the end of each fiscal year among all acute care hospitals, specialty hospitals, and nursing homes licensed under RSA 151, **except those operated by county and municipal governments.**

6 Additional Fees; Wholesale Distributors. Amend RSA 178:28, II to read as follows:

II. A sum of money from [all sources of funds available] **the general fund appropriated by the general court** to the [commissioner] **department** of [public works and highways equivalent] **transportation up** to 1/15 of all fees collected under para-

graph I of this section shall be dedicated and used exclusively for the purpose of increased roadside litter removal for class I through class V highways; provided, however, that in the event beverage container mandatory deposit legislation is enacted, such amount shall cease to be so dedicated as of the effective date of such legislation.

7 Additional Fees; Beverage Manufacturer. Amend RSA 178:30, II to read as follows:

II. A sum of money from [all sources of funds available] **the general fund appropriated by the general court** to the [commissioner] **department** of [public works and highways equivalent] **transportation up** to 1/15 of all fees collected under paragraph I of this section shall be dedicated and used exclusively for the purpose of increased roadside litter removal for class I through class V highways; provided, however, that in the event beverage container mandatory deposit legislation is enacted, said amount shall cease to be so dedicated as of the effective date of said legislation.

8 Definition; Attorney General. RSA 421-A:2, I-a is repealed and reenacted to read as follows:

I-a. "Attorney general" means the attorney general or delegee.

9 Definition; Department. RSA 421-A:2, IV-a is repealed and reenacted to read as follows:

IV-a. "Department" means the department of justice.

10 Reference Changes. Amend RSA 421-A:11, I to read as follows:

I. Whenever it appears to the [director] **attorney general** that any person has engaged in or is about to engage in any act or practice constituting a violation of this chapter, or any rule adopted or order issued under it, the [director] **attorney general** may issue and cause to be served upon any person violating any of the provisions of this chapter, an order requiring the person to cease and desist therefrom; and the [director] **attorney general** may bring an action in a court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with this chapter or any rule adopted or order issued under it[, or he may refer the matter to the attorney general or the county attorney of the appropriate county]. Upon a proper showing, the court may grant a permanent or temporary injunction or restraining order and may order rescission of any sales or purchases of securities determined to be unlawful under this chapter, or any rule adopted or order issued under it. The court may not require the [director] **attorney general** to post a bond.

11 Criminal Penalties. Amend RSA 421-A:13 to read as follows:

421-A:13 Criminal Penalties.

I. Any person who violates RSA 421-A:3 or any rule adopted under it, or any order of which he has notice, or who willfully violates RSA 421-A:7, 8 or 11 or any rule adopted or order issued thereunder, shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any of such offenses shall not bar prosecution or conviction for any other offense. No indictment or information may be returned more than 6 years after the alleged violation.

[II. The director may refer such evidence as is available concerning violations of this chapter or of any rule adopted or order issued hereunder to the attorney general or the county attorney of the appropriate county who may, with or without any reference, institute the appropriate criminal proceedings under this chapter. If referred to a



county attorney, he shall within 90 days file with the director a statement concerning any action taken or, if no action has been taken, the reasons therefor.]

[III.]II. Nothing in this chapter shall be construed to limit the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

12 Definitions: Attorney General; Department. RSA 421-B:2, IV and V are repealed and reenacted to read as follows:

IV. "Attorney general" means the attorney general or delegee.

V. "Department" means the department of justice.

13 Definition: Reference Change. Amend RSA 421-B:2, II(d) to read as follows:

(d) Effecting other transactions, if such individual is an officer or director of the issuer, no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state, and upon application, such individual is specifically authorized by name in an order issued by the [director] **attorney general**; or

14 Licensing Procedure. Amend RSA 421-B:7, I to read as follows:

I. A broker-dealer, agent, or investment adviser may obtain an initial or renewal license by filing with the [director] **secretary of state** an application together with a consent to service of process pursuant to RSA 421-B:30, VII. The application shall be on a form prescribed by the [director] **attorney general** and shall contain whatever information the [director] **attorney general** requires concerning such matters as, but not limited to, the applicant's form and place of organization; the applicant's proposed method of doing business; the qualifications and business history of the applicant; in the case of a broker-dealer or investment adviser, the qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser; and, in the case of an investment adviser, the qualifications and business history of any employee; any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and the applicant's financial condition and history. The [director] **secretary of state** may by rule or order require an applicant for initial license to publish an announcement of the application in one or more specified newspapers published in this state. If no denial order is in effect and no proceeding is pending under RSA 421-B:10, licensing becomes effective at noon of the thirtieth day after an application is filed. The [director] **secretary of state** may by rule or order specify an earlier effective date, and he may by order defer the effective date until noon of the thirtieth day after filing of any amendment.

15 Post-Licensing Provisions. Amend RSA 421-B:8, I-VII to read as follows:

I. Every broker-dealer or issuer-dealer doing business in this state unless otherwise directed shall, within 60 days after the close of the fiscal year, make and transmit to the [director] **secretary of state** a filing under oath of its chief managing officer showing or providing the financial statement, changes in management, changes in ownership, and any significant changes in the method of doing business for the preceding fiscal year. Said filing shall include statements or periodic reports filed with any regulatory, state or federal authority or exchange if so directed by order or rule of the [director] **attorney general**.

II. The [director] **secretary of state** may extend the time for filing such statement for cause shown for a period of not more than 60 days. A broker-dealer or issuer-dealer intentionally failing to file its annual statement as required by paragraph I shall



forfeit to the [office] **state** \$25 for each day of delinquency. The [director] **secretary of state** may refuse to continue, or may suspend or revoke, the license of any broker-dealer or issuer-dealer intentionally failing to file its annual statement when due.

III. In addition to the above, the [director] **attorney general** may require at any reasonable time and in any reasonable manner from any person or company subject to this chapter:

(a) Statements, reports, including reports audited by independent public accountants, answers to questionnaires and other information, and evidence thereof, in whatever reasonable form he designates, and at such reasonable intervals as he may choose, or from time to time;

(b) A full explanation of the programming of any data storage or communications systems in use; and

(c) Information from any books, records, electronic data processing systems, computers or any other information storage system.

IV. The [director] **attorney general** may prescribe forms for the reports under paragraph III. The forms shall be consistent, as far as practicable, with those prescribed by other states.

V. Any officer, manager or agent of any broker-dealer or issuer-dealer authorized to do or doing securities business in this state, and any person controlling or having a contract under which he has a right to control such a broker-dealer or issuer-dealer, whether exclusively or otherwise, and any person with executive authority over or in charge of any segment of such a broker-dealer's or issuer-dealer's affairs, shall reply promptly in writing or in other designated form, to any written inquiry from the [director] **attorney general or secretary of state** requesting a reply.

VI. The [director] **attorney general or secretary of state** may require that any communication made to him under this section be verified.

VII. In the absence of actual malice, no communication required by the [director] **attorney general or secretary of state** under this section shall subject the person making it to an action for damages for defamation.

16 Post-licensing Provisions. Amend RSA 421-B:9, V(b) to read as follows:

(b) If so requested by the person examined, within the period allowed under subparagraph V(a), or if deemed advisable by the [director] **attorney general** without such request, the [director] **attorney general** shall hold a closed hearing relative to the report and shall not file the report in the [office] **department** until after such closed hearing and his order thereon; except, that the [director] **attorney general** may furnish a copy of the report to the governor[, attorney general] **secretary of state** or state treasurer pending final decision thereon.

17 Suspension or Revocation of Application. Amend the introductory paragraph of RSA 421-B:10, I to read as follows:

I. The [director] **attorney general, on his own motion, or upon the recommendation of the secretary of state**, may by order deny, suspend, or revoke any license or application if he finds:

18 Registration by Coordination. Amend RSA 421-B:13, I-a to read as follows:

I-a. Before the secretary of state may accept articles of incorporation for a new corporation under RSA 293-A, an application for a certificate of authority under RSA 293-A, a certificate of limited partnership for a new limited partnership under RSA 304-B, or an application for registration of a foreign partnership under RSA 305-A, the following requirements shall be met:

(a) Along with a \$50 filing fee, a statement shall be filed with the [director] **secretary of state** that the capital stock of the corporation or the interests of the limited partnership have been registered, or when offered will be registered, under this chapter or are exempted, or when offered will be exempted, under this chapter, or are or will be offered in a transaction exempted from registration under this chapter; and, in the case of a New Hampshire corporation or limited partnership, that the articles of incorporation or certificate of limited partnership state whether the capital stock or interests in the limited partnership will be sold or offered for sale within the meaning of this chapter.

(b) The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, or by the general partners or intended general partners if a limited partnership.

[(b) The director shall certify to the secretary of state that the requirements of subparagraph (a) have been met.]

19 Registration by Coordination. Amend RSA 421-B:13, III-VII to read as follows:

III. A registration statement under this section automatically becomes effective at the moment the federal registration statement becomes effective if all the following conditions are satisfied:

(a) No stop order is in effect and no proceeding is pending under RSA 421-B:16;

(b) The registration statement has been on file with the [director] **secretary of state** for at least 20 days; and

(c) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for 2 full business days or such shorter period as the [director] **secretary of state** permits by rule or otherwise and the offering is made within those limitations.

IV. The [director] **attorney general** may by rule or otherwise waive either or both of the conditions specified in subparagraphs III(b) and (c).

V. The registrant shall promptly notify the [director] **secretary of state** by telephone, telegram, or similar means of communication of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a post-effective amendment containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

VI. Upon failure to receive the required notification and post-effective amendment with respect to the price amendment, the [director] **secretary of state** may enter a stop order, without notice or hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until there is compliance with this section, if he promptly notifies the registrant by telephone, telegram, or similar means of communication, and promptly confirms by letter or telegram when he notifies by telephone of the issuance of the order. If the registrant proves compliance with the requirements of this section as to notice and post-effective amendment the stop order is void as of the time of its entry.

VII. If the federal registration statement becomes effective before all the conditions in this section are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all of the conditions are satisfied. If the registrant advises the [director] **secretary of state** of the date when the federal regis-

tration statement is expected to become effective, the [director] **secretary of state** shall promptly advise the registrant by telephone, telegram, or similar means of communication, at the registrant's expense, whether all the conditions are satisfied and whether he then contemplates the institution of a proceeding under RSA 421-B:16; but this advice by the [director] **secretary of state** does not preclude the institution of such a proceeding at any time.

20 Registration by Qualification. Amend RSA 421-B:14, III to read as follows:

III. A registration statement under this section becomes effective when the [director] **secretary of state** so orders.

21 Registration; Generally. Amend RSA 421-B:15 to read as follows:

421-B:15 Provisions Applicable to Registration Generally.

I. A registration statement may be filed **with the secretary of state** by the issuer, any other person on whose behalf the offering is to be made, or a licensed broker-dealer.

II. Every registration statement shall specify:

(a) The amount of securities to be offered in this state;

(b) The states in which a registration statement or similar document in connection with the offering has been or is to be filed; and

(c) Any adverse order, judgment, or decree entered in connection with the offering by the regulatory authorities in each state or by any court or the Securities and Exchange Commission.

II-a. Every corporation and partnership having securities registered in this state shall, within 90 days after the close of their fiscal year, file with the [director] **secretary of state** annually a financial statement audited and certified by an independent certified public accountant. The audited statement shall be prepared in accordance with generally accepted accounting principles and such other standards as the [director] **attorney general** shall adopt by rule. Issuers of securities registered under this chapter shall also provide quarterly financial reports within 60 days of the end of each quarter to their shareholders, partners, and the [director] **attorney general**. Such quarterly reports need not be independently audited.

III. Any document filed under this chapter or a predecessor chapter within 5 years preceding the filing **with the secretary of state** of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate.

IV. The [director] **attorney general** may by rule or otherwise permit the omission of any item of information or document from any registration statement.

V. The [director] **attorney general** may by rule or order require as a condition of registration by qualification or coordination:

(a) That any security issued within the past 3 years or to be issued to a promoter for a consideration substantially different from the public offering price, or to any person for a consideration other than cash, be deposited in escrow; and

(b) That the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security either in this state or elsewhere.

VI. The [director] **attorney general** may by rule or order determine the conditions of any escrow or impounding required under this section, but he may reject a depository solely because of location in another state only if the offering is not being registered under the Securities Act of 1933 and the principal place of business of the registrant is in this state.



VII. The [director] **attorney general** may by rule or order require as a condition of registration that any security registered by qualification or coordination be sold only on a specified form of subscription or sale contract, and that a signed or conformed copy of each contract be filed with the [director] **secretary of state** or preserved for any period up to 3 years specified in the rule or order.

VIII. Every registration statement shall be effective, for the purpose of any non-issuer distribution until withdrawn, suspended or revoked. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any non-issuer transaction so long as the registration statement is effective. A registration statement may not be withdrawn for one year from its effective date if any securities of the same class are outstanding.

IX. So long as a registration statement is effective, the [director] **attorney general** may by rule or order require the person who filed the registration statement to file **with the secretary of state** reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement, to disclose the process of the offering and the use of any proceeds received from the offering, and to submit reports of sales. The [director] **attorney general** may by rule or order require that the issuer distribute annual reports to its shareholders.

X. A registration statement relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, may be amended after its effective date so as to increase the securities specified as proposed to be offered. Such an amendment becomes effective when the [director] **attorney general** so orders.

XI. So long as a registration statement is effective the [director] **attorney general** may require an issuer to file **with the secretary of state** an annual report in such form as the [director] **attorney general** by rule prescribes. Failure to file the annual report within 30 days after its request may be deemed a request for withdrawal.

XII. No registration shall be deemed to be filed **with the secretary of state** until the fee established pursuant to RSA 421-B:31 has been paid.

22 Suspension or Revocation of Registration. Amend the introductory paragraph to RSA 421-B:16, I to read as follows:

I. The [director] **attorney general, on his own motion, or on the recommendation of the secretary of state**, may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds:

23 Misleading Filings: Amend RSA 421-B:19 to read as follows:

421-B:19 Misleading Filings. It is unlawful for any person to make or cause to be made in any document filed [with the director] **under this chapter** or in any proceeding under this chapter any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect or, in connection with such statement, to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading.

24 Reference Change; Unlawful Representations. Amend RSA 421-B:20, I to read as follows:

I. Neither the fact that a registration statement or an application for a license has been filed **under this chapter** with the state of New Hampshire nor the fact that a security is effectively registered or a person is licensed in the state of New Hampshire constitutes a finding by the [director of the office of securities regulation] **attorney**



**general or the secretary of state** that any document filed under RSA 421-B is true, complete and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a security or a transaction means that the [director of the office of securities regulation] **attorney general** has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction. It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with the provisions of this paragraph.

25 Administration. RSA 421-B:21 is repealed and reenacted to read as follows:

421-B:21 Administration.

I. This chapter shall be administered by the attorney general, with the assistance of the secretary of state who shall receive and maintain all documents which are required to be filed under this chapter. The secretary of state shall, to the greatest extent practical, physically and substantively consolidate the activities and functions related to corporations, limited partnerships, and other business organizations and entities administered by the department of state with the activities and functions related to the registration of securities which are performed by the attorney general and secretary of state under this chapter.

II. The attorney general shall have all powers specifically granted or reasonably implied in order to perform the substantive responsibilities imposed by this title, and may, by rule, after consultation with and approval from the secretary of state, impose duties upon the secretary of state with regard to the receipt, maintenance and review of documents required to be filed under this chapter and the coordination of activities between the department of justice and the office of secretary of state.

III. It is unlawful for the attorney general, the secretary of state or any officers or employees of the department of justice or the secretary of state to use for personal benefit any information which is filed with or obtained by the attorney general or the secretary of state and which is not made public. No provision of this chapter authorizes the attorney general, the secretary of state or any officers or employees of the department of justice or the secretary of state to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the attorney general, the secretary of state or any officers or employees of the department of justice or the secretary of state.

26 Judicial Review. Amend RSA 421-B:27 to read as follows:

421-B:27 Judicial Review of Orders. Requests for rehearings and appeals from orders of the director shall be governed by RSA 541 and by the rules adopted by the [director] **attorney general** pursuant to title [XXXVII] **XXXVIII** and RSA 541-A.

27 Administrative Files and Opinions. Amend RSA 421-B:29 to read as follows:

421-B:29 Administrative Files and Opinions.

I. A document is filed when it is received by the [director], **secretary of state**.

II. The [director] **secretary of state** shall keep a register of all applications for licensing and registration statements which are or have ever been effective under this chapter and all denial, suspension, or revocation orders which have been entered under this chapter. The register shall be open for public inspection.

III. The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the [director] **attorney general** adopts pursuant to RSA 541-A.

IV. Upon request and at such reasonable charges as he prescribes, the [director] **secretary of state** shall furnish to any person photostatic or other copies, certified under his seal of office if requested, of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under this chapter any copy so certified is prima facie evidence of the contents of the entry or document certified.

28 Service of Process; Rules. Amend the introductory paragraph of RSA 421-B:30, VII to read as follows:

VII. Every applicant for licensing under this chapter and every issuer who proposes to offer a security in this state through any person acting on an agency basis in the common-law sense shall file with the [director] **secretary of state**, in such form as he prescribes by rule, irrevocable consent appointing the [director or his successor in office to be his attorney] **secretary of state** to receive service of any lawful process in any non-criminal suit, action, or proceeding against him or his successor, executor, or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of the process in the office of the [director] **secretary of state** along with \$5, but it is not effective unless:

29 Reference Change: Service of Process. Amend the introductory paragraph of RSA 421-B:30, VIII to read as follows:

VIII. When any person, including any nonresident of this state engages in conduct prohibited or made actionable by this chapter or any rule or order under this chapter, and he has not filed a consent to service of process under paragraph VII and personal jurisdiction over him cannot otherwise be obtained in this state, that conduct shall be considered equivalent to his appointment of the [director or his successor in office to be his attorney] **secretary of state** to receive service of any lawful process in any non-criminal suit, action, or proceeding against him or his successor, executor, or administrator which grows out of that conduct and which is brought under this chapter or any rule or order under this chapter, with the same force and validity as if served on him personally. Service may be made by leaving a copy of the process along with \$5 in the office of the [director] **secretary of state**, and it is not effective unless:

30 Change from "Director" to "Attorney General". Amend the following RSA provisions by replacing "director" with "attorney general":

I. RSA 421-A:3; 421-A:4, X; 421-A:5; 421-A:6; 421-A:8; 421-A:9; 421-A:11, II, III; 421-A:12.

II. RSA 421-B:2, III(e); 421-B:2, IX(i); 421-B:2, X, XI; 421-B:4, II, III; 421-B:6, II; 421-B:7, III-VI; 421-B:9, I-III; 421-B:9, V(a); 421-B:9, V(c)-(e); 421-B:9, VI-VIII; 421-B:10, I(b)(5), (8), (11), (13); 421-B:10, II-VI; 421-B:12; 421-B:13, II; 421-B:14, II, IV; 421-B:16, I(b)(3), (7), (10), (11); 421-B:16, II-IV; 421-B:17; 421-B:18; 421-B:22; 421-B:23; 421-B:25, VIII; 421-B:26; 421-B:28; 421-B:30, VII(a); 421-B:30, VIII(a); 421-B:30, IX; 421-B:31, III.

31 Change from "Office" to "Department." Amend the following RSA provisions by replacing "office" with "department": RSA 421-A:9, I; 421-A:12, II; 421-B:9.

32 Transitional Rules. The rules of the office of securities regulation in effect immediately prior to July 1, 1991, may be continued in effect for a period of up to 1 year upon the order of the attorney general. Notwithstanding RSA 541-A, the attorney general may also issue orders which modify these existing rules for the sole purpose

of properly allocating responsibilities between the department of justice and the department of state in a manner consistent with the provisions of this chapter. Such modifications shall be filed with the legislative committee on administrative rules and the office of legislative services prior to taking effect, but shall not be subject to the other requirements of RSA 541-A:3.

33 Salaries Eliminated. Amend RSA 94:1-a, I, group O by deleting the following:

- I. Director of the office of securities regulation.
- II. Chief investigator, office of securities regulation.
- III. Administrator of the office of securities services, office of securities regulation.

IV. Administrator of the bureau of securities filings, office of securities regulation.

V. Administrator of the bureau of securities audits and examinations, office of securities regulation.

34 Repeal. The following are repealed:

- I. RSA 400-A:40-66, relative to the office of securities regulation.
- II. RSA 421-B:24, III, relative to criminal penalties.

35 Jurors' Fee Reduced. Amend RSA 500-A:15, I to read as follows:

I. Grand and petit jurors' fees and mileage shall be paid by the state. The jurors' fees shall be [\$15] **\$10** for each half day's attendance before a superior court; for each mile's travel to and from the place where the juror serves, mileage shall be paid at the rate of \$.20 per mile, mileage to be allowed for each day's attendance when the juror is required to leave the town or city in which he resides.

36 Restrictions on Transfer of Funds Eliminated. During the biennium ending June 30, 1993, restrictions on the transfer of funds within the lowest program unit budgeted for an agency are hereby suspended. Agencies may transfer within and among classes 10-19, 50-59, and 60; within and among classes 20-49, and 70; except where noted by footnote D. Transfers may be authorized between program budget units only with prior approval of the fiscal committee and governor and council. To the extent that this section conflicts with the provisions of RSA 9 or RSA 99:4, such provisions are suspended for this biennium.

37 Transfers Within PAU; Indigent Defenders. Notwithstanding RSA 9:16-a, the commissioner of the department of administrative services is authorized to transfer funds within PAU 01, 04, 01, 02, 04, indigent defenders.

38 Loss of Taxes. The commissioner of revenue administration shall compute the payment for lost taxes under RSA 219:32 as follows:

I. Add together the high and low value in the highest range of values within the forest land category, as set by the current use advisory board pursuant to RSA 79-A, then divide by 2 to arrive at the per acre value:

II. Multiply the per acre value by the number of acres on which application for loss of taxes is made, to arrive at the total assessment, to be further adjusted by the equalization ratio:

III Multiply the assessment by the local municipal tax rate to arrive at the payment due to the town, reduced in accordance with RSA 219:29, and adjusted for equity in accordance with RSA 219:33.

39 Effective Date. This act shall take effect July 1, 1991.

### AMENDED ANALYSIS

This bill abolishes the office of securities regulation. It makes the attorney general responsible for the enforcement of the securities laws and gives the secretary of state responsibility for securities filings and related administrative duties.

The bill changes the state's responsibility for paying the premium for state employee health insurance.

This bill establishes a waiver procedure of certain provisions of RSA 21-I when requested by any department or agency to prevent the loss of any federal or other funds subject to recapture.

The bill also:

(1) Increases administrative fees collected from hospitals and nursing homes licensed under RSA 151.

(2) Makes discretionary by the general court the expenditure of the equivalent of 1/15 of the beer tax for roadside litter removal.

(3) Eliminates certain restrictions on transfer of funds within program units.

(4) Establishes a method for computing payment for lost taxes under RSA 219:32.

(5) Suspends the requirement of filing for a new notice of intent to cut when a cutting operation is completed prior to June 30.

(6) Reduces jurors' fees.

Adopted.

The Appropriations Committee offered a floor amendment.

#### Floor Amendment

Amend the bill by replacing section 39 with the following:

39 Birth Registration Cards; Fee Increased. Amend RSA 126:13 to read as follows:

126:13 Birth Registration Cards. The registrar of vital records and health statistics, or the town clerk, may issue, in accordance with the provisions of RSA 126:14, a card containing information relative to the date and place of birth of such persons as may be on record in his office. The fee for the issuance of any such card shall be [3] **\$10**. However, under no circumstances shall any information relative to any adoption be disclosed or given out by the registrar of vital records and health statistics, or the town clerk, or any other individual except pursuant to RSA 170-B:19, II, except that a birth certificate which does not indicate that the certificate has been amended or that an individual has been adopted may be issued.

40 Fee Increased for Requesting Vital Records. Amend RSA 126:15 to read as follows:

126:15 Fees For Copies and Verifications. A town clerk or the registrar of vital records and health statistics shall be paid in advance, by any person requesting any copy or verification as provided in RSA 126:14, the sum of [3] **\$10** for making search, which sum shall include payment for the issuance of such copy or verification, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$4.

41 Exemption From Competitive Bidding; School Improvement Program. Notwithstanding any law or rule to the contrary, the school improvement program established under RSA 186:69 is hereby exempt from the competitive bidding requirements.

42 Calculation and Timing of Foundation Aid Payments. Notwithstanding the provisions of RSA 198:31:

I. The first 2 payments of foundation aid for fiscal year 1992 shall be based on a total appropriation of \$47,118,312. The third payment of foundation aid for fiscal year



1992 shall be based on a total appropriation of \$47,118,312 but shall be reduced by \$1,800,000.

II. The sum of \$1,800,000 from the foundation aid appropriation for fiscal year 1993 shall be distributed during the month of July, 1992. This distribution shall be calculated using the formula under RSA 198:29 in the same manner as if it were a fiscal year 1992 distribution. Three payments of foundation aid for fiscal year 1993 shall be made in September, January, and April and shall be based on the total amount appropriated for foundation aid for fiscal year 1993, less \$1,800,000.

III. Each city, town, or other locality may treat its portion of the \$1,800,000 distributed in July, 1992 under paragraph II as accounts receivable for fiscal year 1992.

43 Effective Date. This act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill abolishes the office of securities regulation. It makes the attorney general responsible for the enforcement of the securities laws and gives the secretary of state responsibility for securities filings and related administrative duties.

The bill changes the state's responsibility for paying the premium for state employee health insurance.

This bill establishes a waiver procedure of certain provisions of RSA 21-I when requested by any department or agency to prevent the loss of any federal or other funds subject to recapture.

The bill also:

(1) Increases administrative fees collected from hospitals and nursing homes licensed under RSA 151.

(2) Makes discretionary by the general court the expenditure of the equivalent of 1/15 of the beer tax for roadside litter removal.

(3) Eliminates certain restrictions on transfer of funds within program units.

(4) Establishes a method for computing payment for lost taxes under RSA 219:32.

(5) Suspends the requirement of filing for a new notice of intent to cut when a cutting operation is completed prior to June 30.

(6) Reduces jurors' fees.

(7) Increases fees for birth registration cards and for copies and verifications of vital records.

(8) Exempts the school improvement program from competitive bidding.

(9) Changes the calculation and timing of foundation aid payments for fiscal years 1992 and 1993.

Adopted.

Reps. Wadsworth and Channing Brown offered a floor amendment.

#### Floor Amendment

Amend the bill by replacing section 32 with the following:

32 Transitional Rules. The rules of the office of securities regulation in effect immediately prior to July 1, 1991, shall continue in effect until the attorney general adopts rules, pursuant to RSA 541-A, to implement the provisions of this act; provided that such rules shall be adopted by the attorney general no later than July 1, 1993. In administering the existing rules of the office of securities regulation, the attorney general may allocate responsibilities between the department of justice and the department of state in accordance with the provisions of this act.

Rep. Wadsworth spoke in favor.

Adopted.

Rep. Fenton offered a floor amendment.

#### Floor Amendment

Amend the bill by replacing all after section 42 with the following:

43 State College and University System; Tuition. Notwithstanding any other provision of law, effective July 1, 1991, the tuition rate for in-state students at the university of New Hampshire, and all its divisions and departments, the Keene state college, the Plymouth state college, and the university system school for lifelong learning, shall be that rate in effect as of July 1, 1991, and shall remain at that level for the 1991-92 school year. Effective July 1, 1992, tuition for the 1992-93 school year shall be set at a rate no higher than 3 percent above the level for the 1991-92 school year.

44 Effective Date. This act shall take effect July 1, 1992.

Rep. Fenton spoke in favor and yielded to questions

Rep. Stacey Cole spoke against and yielded to questions.

The amendment failed.

Rep. Chambers offered a floor amendment.

#### Floor Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to administration and enforcement of the securities  
laws, privatization of retail liquor sales, state  
employee benefits, and state fees, funds,  
revenues, and expenditures.

Amend the bill by replacing section 43 with the following:

43 Definition; Off sale. Amend RSA 175:1, L to read as follows:

L. "Off sale" means [table] **liquor**, wine and beverage sold for consumption off the premises.

44 Directors of Data Processing and Financial Reporting. Amend RSA 176:8, V and the introductory paragraph of RSA 176:8, VI to read as follows:

V. There shall be a director of data processing who shall have such labor grade as may be determined by the [division] **director** of personnel and who shall be responsible for the data processing activities of the commission. [The director of data processing shall maintain records to assure fiscal and inventory control, prepare reports as required by the commission, design and implement internal security procedures to minimize losses to the state, gather and consolidate information for budgetary and other purposes, and recommend to the commission improvements in the commission's hardware and software as may be needed to keep the system current with industry. The director of data processing shall report directly to the commission. Such reports shall include, on a regular basis:

(a) The results of sales, post-offs, and other sales promotions.

(b) An analysis of the profitability of each item listed for sale by the commission.]

VI. There shall be a director of financial reporting and analysis who shall have such labor grade as may be determined by the [division] **director** of personnel and who shall be responsible for all financial and accounting functions, including preparations for monthly and annual financial reports[, including analyses of the results of operations]. The director of financial reporting and analysis shall:

45 Director of Wholesale Operation. RSA 176:8, VII is repealed and reenacted to read as follows:

VII.(a) There shall be a director of wholesale operations who shall have such labor grade as may be determined by the director of personnel who shall be responsible for the purchase of products for resale based on depletions of original inventory plus additional products requested by licensees at least one month before the anticipated date of delivery. Each quarter the director shall make available to licensees the wholesale prices of all products available.

(b) If the director does not make available for sale a brand of product requested by a licensee within 60 days after the date of order, the licensee may purchase the product from any source.

46 Rulemaking. RSA 176:14 is repealed and reenacted to read as follows:

176:14 Rulemaking. The commission shall adopt rules, under RSA 541-A, relative to:

I. The licensing of off-sale liquor sales.

II. Procedure for purchases, by retailers, of liquor from the warehouses.

III. Staffing, inventory and location of warehouses.

IV. The operation of a wholesale liquor business.

V. Any other matter necessary to the proper administration and enforcement of this title.

47 Sale of Liquor. Amend RSA 176:16 to read as follows:

176:16 Funds. All gross revenue derived by the commission from the [sale] **wholesale distribution** of liquor, or from licenses to manufacture or sell liquor, shall be deposited into the general funds of the state. The expenses of administration and all other expenditures provided for in this title shall be paid by the state treasurer on warrants of the governor with the advice and consent of council.

48 Liquor and Wine Import Warehouse License. Amend RSA 178:5, II to read as follows:

II. Import warehouse licensees licensed under paragraph I may transport wine and liquor from their own warehouses directly to [state liquor stores and] on-premise and off-premise licensees, in accordance with rules adopted by the commission pursuant to RSA 541-A, for the purposes of enhancing service to the state and its licensed purchasers, increasing selection for the benefit of consumers, and reducing the operating expenses of the state.

49 Combination License. Amend RSA 178:16 to read as follows:

178:16 Combination License.

I. Off-sale licenses shall be issued only for grocery[,] **and liquor**[, and drug] stores not holding on-sale licenses. Such licenses shall authorize the licensees to sell [table wine] **liquor** and beverages for consumption only off the premises designated in the licenses and not to other licensees for resale. Such sale shall be made only in the immediate container in which the beverage **or liquor** was received by the off-sale combination licensee; except that in the case of the holder of a wholesale distributor license, beverages may be sold only in such barrels, bottles, or other containers as the commission may by rule prescribe. There shall be no restriction on the number of combination retail [table wine] **liquor** and beverage licenses held by any person. The license shall authorize the licensee to transport and deliver beverages ordered from and sold by him and to transport and deliver [table wines] **liquor** ordered from and sold by the commission and sold by the licensee in vehicles operated under his control or an employee's control.

**II. There shall be 2 classifications of combination licenses:**

(a) **The class A license shall entitle the off-sale licensee to sell liquor, wine, and beer in a liquor store.**

(b) **The class B license shall entitle the off-sale licensee to sell wine and beer in a grocery store.**

[II.] **III.** All sales of beverages and [table wine] **liquor** shall be recorded on cash registers. No additional registers shall be added during the remainder of the year without prior approval of the commission. No rebate shall be allowed for cash registers discontinued during the license year.

50 New Section; Retail Liquor License. Amend RSA 178 by inserting after section 17 the following new section:

178:17-a Retail Liquor License.

I. A retail liquor license may be issued by the commissioner to any person operating a retail outlet in this state which shall allow the licensee to sell liquor directly to individuals at retail on the premises for consumption off the premises. A separate license shall be required with respect to each place of business of an applicant. The license shall authorize the licensee to transport and deliver liquor sold by the licensee in vehicles operated under his control or an employee's control.

II. All sales of liquor shall be recorded on cash registers. No additional registers shall be added during the remainder of the year without prior approval of the commissioner. No rebate shall be allowed for cash registers discontinued during the license year.

51 Off-Sale; Fees. Amend the introductory paragraph of RSA 178:27, II(a) to read as follows:

(a) Retail wine **and retail liquor** including vehicles:

52 New Section; Liquor Manufacturer's and Liquor Vendor's Interests Prohibited. Amend RSA 179 by inserting after section 12 the following new section:

179:12-a Liquor Manufacturer's and Liquor Vendor's Interests Prohibited.

I. No holder of a liquor manufacturer license and no officer, director, stockholder, employee or agent of the holder of a liquor manufacturer license shall through interlocking stock ownership, interlocking directorship, or otherwise, have an interest, either direct or indirect in the business of the holder of a retailer license.

II. No person holding a liquor vendor license shall be employed by any licensee in any capacity, and no licensee shall employ in any capacity a person holding a liquor manufacturer license.

53 Coupon Offers. Amend RSA 179:31, IX to read as follows:

IX. Advertising of liquor or beverages may contain inducements setting forth special offers for liquor or beverage purchasers. Coupon offers shall be redeemed by the vendor or his agent as specified in the offer. [No redemptions shall be made by the retail licensee or state store.] No on-sale or off-sale licensee shall sell or distribute coupons or tickets which may be redeemed for alcoholic beverages.

54 Advertising by Certain Licensees. Amend RSA 179:31, XIII and XIV to read as follows:

XIII. No holder of an on-sale [or off-sale] license shall advertise beverages or liquor by the use of cards in windows, except the posting of a printed menu.

XIV. No holder of an on-sale [or off-sale] license shall allow advertising material or display to be located near windows so as to constitute a window display or advertis-



ing, except the posting of a printed menu. Table tents may be utilized in licensed premises.

55 Gifts of Beverages or Liquor. Amend RSA 179:41, I to read as follows:

I. No [off-sale] licensee shall give away any beverage and wine with the purchase of merchandise or food or as payment in any business enterprise.

56 Sale of Sweepstakes Tickets. Amend RSA 284:21-h, II(a) to read as follows:

(a) Shall be sold by the sweepstakes commission [(1) in state liquor stores and the state liquor commission is hereby directed to cooperate with the sweepstakes commission in the sale of such tickets, and (2)] within the enclosure of any track where a race or race meet is conducted by license issued under this chapter and the sweepstakes commission is authorized to request and accept cooperation of the licensee in the sale of such tickets therein.

57 Ballot Questions. Amend RSA 663:5, I(a) to read as follows:

(a) "Shall [state stores be operated] **liquor be sold off the premises** by permission of the state liquor commission in this city or town?"

58 Ballot Vote. Amend RSA 663:5, II to read as follows:

II. If a majority of the qualified voters present and voting in a city or town signifies the disapproval of question (a) above, the commission shall not [operate state liquor stores] **license off-premise liquor sales** in that city or town.

59 Historical Fund. The joint legislative historical committee shall have authority over all proceeds contained in the historical fund on the effective date of this section. Proceeds raised from the sale of commemorative bottles shall be deposited in such fund until such time as the state stores are no longer in operation. This authority shall extend until such time as all of the money contained in such fund is exhausted.

60 Transition.

I. Beginning on January 1, 1992, the liquor commission, department of administrative services and any other state officials or agencies necessary, shall be responsible for carrying out the transition of the retail sale at liquor from the liquor commission to private industry by June 30, 1992. The state stores shall continue in operation until they are sold or until June 30, 1992, whichever occurs first.

II. During the transition, the commission shall retain the power to sell the state's interest in each state liquor store. Before offering a store for sale to the general public, the commission shall first offer it to the liquor store employees working in that store. If they decline the offer, the commission shall offer the store to the municipality in which it is located. If the municipality declines the offer, the commission shall open bidding to the general public.

III. Once a store is on the open market, the commission shall contract with a local real estate agency to sell the liquor store and its contents. The selling price shall include all leaseholds, freeholds, equipment and inventory of the store. Buyers shall agree to retain any remaining employees of the state store for at least 6 months from the date of purchase.

IV. On June 30, 1992, all state owned liquor stores shall cease operation. Any remaining stores and inventory still under the commission's control after June 30, 1992 shall be sold through the department of administrative services.

V. The liquor commission shall cooperate with the attorney general in overseeing the termination and, where necessary, the settlement of all leases, contracts, and other obligations of the liquor commission and the state as a result of this act.

61 Added Creditable Service. Notwithstanding RSA 100-A:4 or any other provision of law, every person employed in a state liquor store on January 1, 1992, who has

completed at least 10 years of creditable services as of January 1, 1992, and who has attained the age of 50, but not the age of 60, shall be awarded an additional 3 years of creditable service.

62 Repeal. The following are repealed:

- I. RSA 175:4, relative to the advertising of liquor and beverages.
- II. RSA 175:6, relative to transportation of liquor.
- III. RSA 176:8, II-IV, relative to the directors of marketing and merchandising, store operations and warehousing and transportation.
- IV. RSA 176:8, VI(c) relative to maintaining liquor store records.
- V. RSA 176:12, relative to New Hampshire products.
- VI. RSA 176:13, relative to listing and delisting products.
- VII. RSA 177, relative to the sale of liquor and state liquor stores.
- VIII. RSA 178:6, VI, relative to the sale price of domestic wine products.
- IX. RSA 178:26, relative to discounts and credits.
- X. RSA 179:22, I(b) relative to intervening in product display decisions by the commission.
- XI. RSA 179:22, III, relative to intervening in commission displays.
- XII. RSA 179:31, IV, and V relative to sales promotions in the state stores and warehouses and listing of retail prices.
- XIII. RSA 179:31, XII, relative to liquor or beverage display advertising.
- XIV. RSA 179:31, XV, relative to advertising liquor.
- XV. RSA 179:36, relative to registration of wine brand size.
- XVI. RSA 179:37, relative to services from wine venders.
- XVII. RSA 179:43, relative to sales on credit.
- XVIII. RSA 273:12, III, relative to toll-free use of the turnpike system for employees of state liquor stores.

63 Effective Date.

- I. Sections 43-62 of this act shall take effect January 1, 1992.
- II. The remainder of this act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill abolishes the office of securities regulation. It makes the attorney general responsible for the enforcement of the securities laws and gives the secretary of state responsibility for securities filings and related administrative duties.

The bill changes the state's responsibility for paying the premium for state employee health insurance.

This bill privatizes the retail end of liquor sales in New Hampshire. The liquor commission remains responsible for the wholesale distribution of liquor and licensing and enforcement aspects of the liquor laws.

This bill establishes a waiver procedure of certain provisions of RSA 21-I when requested by any department or agency to prevent the loss of any federal or other funds subject to recapture.

The bill also:

- (1) Increases administrative fees collected from hospitals and nursing homes licensed under RSA 151.
- (2) Makes discretionary by the general court the expenditure of the equivalent of 1/15 of the beer tax for roadside litter removal.
- (3) Eliminates certain restrictions on transfer of funds within program units.
- (4) Establishes a method for computing payment for lost taxes under RSA 219:32.

(5) Suspends the requirement of filing for a new notice of intent to cut when a cutting operation is completed prior to June 30.

(6) Reduces jurors' fees.

(7) Increases fees for birth registration cards and for copies and verifications of vital records.

(8) Exempts the school improvement program from competitive bidding.

(9) Changes the calculation and timing of foundation aid payments for fiscal years 1992 and 1993.

Rep. Chambers spoke in favor and yielded to questions.

Rep. Jacobson spoke against.

Rep. Pelley spoke in favor and yielded to questions.

Reps. Robert Kelley and Simon spoke against.

Amendment failed.

Rep. William McCann abstained from voting under Rule 16.

Rep. Bonnie Packard offered a floor amendment.

### **Floor Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to state employee benefits and state  
fees, funds, revenues and expenditures.

Amend the bill by deleting sections 8-34 and renumbering sections 35-43 to read as 9-17.

Amend the bill by replacing section 17 with the following:

17 Office of Securities Regulation. Notwithstanding any other provision of law to the contrary including any provision of section 1 of HB 25-A of the 1991 legislative session, the office of securities regulation shall continue to be administratively attached to the insurance department for the biennium ending June 30, 1993. In addition, the office shall be funded for the 1992 and 1993 fiscal years with general fund revenues. The sum of \$504,609 for fiscal year 1992 and \$504,609 for fiscal year 1993 are hereby appropriated to PAU 02, 10, 01, insurance department, office of securities regulation. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

18 PAU Deleted. Amend section 1 of HB 25-A of the 1991 legislative session by deleting PAU 02, 04, 02, 02, consumer protection, department of justice.

19 Contingency. Section 18 of this act shall take effect if section 1 of HB 25-A of the 1991 legislative session becomes law.

20 Effective Date.

I. Sections 1-17 and 19 of this act shall take effect July 1, 1991.

II. Section 18 of this act shall take effect as provided in section 19 of this act.

### **AMENDED ANALYSIS**

The bill changes the state's responsibility for paying the premium for state employee health insurance.

This bill establishes a waiver procedure of certain provisions of RSA 21-I when requested by any department or agency to prevent the loss of any federal or other funds subject to recapture.

The bill also:

(1) Increases administrative fees collected from hospitals and nursing homes licensed under RSA 151.

(2) Makes discretionary by the general court the expenditure of the equivalent of 1/15 of the beer tax for roadside litter removal.

(3) Eliminates certain restrictions on transfer of funds within program units.

(4) Establishes a method for computing payment for lost taxes under RSA 219:32.

(5) Suspends the requirement of filing for a new notice of intent to cut when a cutting operation is completed prior to June 30.

(6) Reduces jurors' fees.

(7) Increases fees for birth registration cards and for copies and verifications of vital records.

(8) Exempts the school improvement program from competitive bidding.

(9) Changes the calculation and timing of foundation aid payments for fiscal years 1992 and 1993.

(10) Requires that the office of securities regulation remain administratively attached to the insurance departments for fiscal years 1992 and 1993.

Rep. C. Dana Christy spoke in favor and yielded to questions.

Rep. Nielsen spoke against.

Reps. Foss and Walsh spoke in favor.

Rep. Burling spoke against and yielded to questions.

Rep. Bonnie Packard spoke in favor.

Rep. Channing Brown spoke against.

Roll call request sufficiently seconded.

The question being on the floor amendment.

### YEAS 135

#### YEAS 135 BELKNAP

Cain, Thomas G.  
Rosen, Ralph J.

Hawkins, Robert S.  
Turner, Robert H.

### NAYS 202

Rice, Thomas E. P., Jr.  
Ziegra, Alice S.

#### CARROLL

Allard, Nanci A.  
Jean, Robert R.

Bradley, Jeb E.  
Saunders, Howard N.

Daly, Robert J., Jr.  
Wiggin, Gordon E.

#### CHESHIRE

Cole, Stacey W.  
Hogan, James B.  
Morse, Jo Ann T.

Crutchley, Donald O.  
Hunt, John B.  
Perry, David M.

Feuer, Joseph N.  
Kingsbury, H. Thayer

#### COOS

None

#### GRAFTON

Arnesen, Deborah L.  
Dow, David  
Scanlan, David M.  
Whitcomb, Henry F., Jr.

Christy, C. Dana  
Hill, Richard L.  
Shackett, Ralph E.  
White, Paul R.

Copenhaver, Marion L.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.



**HILLSBOROUGH**

Arnold, Barbara E.  
 Calawa, Leon, Jr.  
 Desrochers, Gerard T.  
 Donovan, Francis X.  
 Elliott, Larry G.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Holden, Carol H.  
 Keane, Cornelius J.  
 Lawrence, Norman B.  
 Mason, Howard F.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Packard, Bonnie B.  
 Riley, Frances L.  
 Tate, Joan C.  
 Wheeler, Robert L.

Baker, George H., Sr.  
 Cowenhoven, Garret P.  
 Desrosiers, William J.  
 Drolet, Paul L.  
 Emerton, Lawrence A.  
 Fields, Dennis H.  
 Greenglass, Alan B.  
 Hultgren, David D.  
 L'Heureux, Robert J.  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Pepino, Leo P.  
 Rodgers, G. Philip  
 Turgeon, Roland M.  
 Wright, George W.

Baroody, Benjamin C.  
 Crotty, Edward J.  
 Dodge, Emma M.  
 Dyer, Merton S.  
 Fenton, James J.  
 Gage, Ruth E.  
 Hanselman, Gregory L.  
 Jean, Romeo W.  
 Lawrence, Eva M.  
 Martin, Mary Ellen  
 McDowell, James E.  
 Messier, Irene M.  
 Ouellette, Robert O.  
 Perham, Lester R.  
 Stiles, Walter A.  
 Wheeler, David K.

**MERRIMACK**

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Smith, Gerald R.

Barberia, Richard A.  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Stapleton, Henry F.

Braiterman, Thea  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Whittemore, James A.

**ROCKINGHAM**

Benton, Richardson D.  
 Coffey, John J.  
 Falwell, Robert V.  
 Katsakiores, George N.  
 Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Schmidtchen, Rowland H.  
 Syracuse, Anthony  
 Welch, David A.

Boucher, William P.  
 Connell, David R.  
 Gage, Beverly A.  
 Klemarczyk, Thaddeus E.  
 McCain, William F.  
 Raynowska, Bernard J.  
 Senter, Marilyn P.  
 Sytek, Donna P.  
 Weyler, Kenneth L.

Chase, Lawrence A., Jr.  
 Drake, Herbert R.  
 Hoelzel, Kathleen M.  
 Klemm, Arthur P., Jr.  
 McCarthy, John J., Jr.  
 Roulston, Donald L.  
 Smith, Arthur W.  
 Sytek, John J.

**STRAFFORD**

Appleby, James E.  
 Kincaid, William K.  
 Tsiros, William

Douglass, Clyde J.  
 Kinney, Paula J.  
 Young, John B.

Foss, Patricia H.  
 Torr, Ann M.

**SULLIVAN**

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.

Domini, Irene C.  
 Middleton, John A.  
 Walsh, Robert R.

Krueger, Richard H.  
 Peyron, Fredrik

**NAYS 202****BELKNAP**

Accornero, Harry  
 Dewhirst, Glenn E.  
 Johnson, Carl R.  
 Salatiello, Thomas B.

Bartlett, Gordon E.  
 Golden, Paul A.  
 Joscelyn, William W.  
 Vogler, Charles C.

Campbell, Richard H., Jr.  
 Holbrook, Robert G.  
 Maviglio, Steven R.  
 Zaharchuk, Peter J., Jr.

**CARROLL**

Beach, Mildred A.  
Dodge, A. Gibb, Jr.

Chandler, Gene G.  
Foster, Robert W.

Dickinson, Howard C.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Grodin, Richard A.  
Laurent, John J.  
Pratt, Irene A.

Champagne, Richard L.  
DePecol, Benjamin J.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Sawyer, Alfred P.

Clark, Eugene W.  
Foster, Katherine D.  
LaMar, David M.  
Pearson, Gertrude B.  
Spear, Susan S.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Pratt, Leighton C.

Guay, Lawrence J.  
Marsh, Beaton  
Nelson, Harold D.  
Theriault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Guest, Robert H.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Trelfa, Richard T.

Bean, Pamela B.  
Chambers, Mary P.  
LaMott, Paul I.  
Markley, J. Keith  
Stewart, Roger D.  
Ward, Kathleen W.

Brown, Channing T.  
Driscoll, William J.  
Larson, Nils H., Jr.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

**HILLSBOROUGH**

Amidon, Eleanor H.  
Bourque, Ann J.  
Clemons, Jane A.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Healy, Daniel J.  
Johnson, Lionel W.  
King, Frank P.  
Laughlin, J. Francis  
Lozeau, DonnaLee M.  
O'Rourke, Joanne A.  
Record, Alice B.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Vanderlosk, Stanley R.

Andrews, Frederick B.  
Buckley, Raymond  
Cook, Valerie S.  
Daniels, Gary L.  
Durham, Susan B.  
Ford, Nancy M.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Kelley, Dana F.  
Kurk, Neal M.  
Leclerc, Charles J.  
McNerney, Daniel P.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Sallada, Roland A.  
Soucy, Donna M.  
White, John M.

Baldizar, Barbara J.  
Chasse, Richard D.  
Cote, David E.  
Domaingue, Jacquelyn M.  
Dwyer, Patricia R.  
Gagnon, Gabrielle V.  
Green, Scott E.  
Hall, Betty B.  
Jasper, Shawn N.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
Nardi, Theodora P.  
Pignatelli, Debora B.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.

**MERRIMACK**

Boucher, Laurent J.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Jacobson, Alf E.  
Kidder, William F.

Carter, Susan D.  
Gross, Caroline L.  
Hill, Michael J.  
Jelley, Francis D.  
Letourneau, George E.

Chandler, John P.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Johnson, Joyce M.  
Lockwood, Robert A.

Millard, Elizabeth S.  
Soldati, Jennifer G.  
Trombly, Rick A.  
Yeaton, Charles B.

Molner, Mary E.  
Stio, Peter M.  
Wallner, Mary Jane

Nichols, Avis B.  
Teague, Bert  
Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
Caswell, Albert, Jr.  
Cote, Patricia L.  
Dube, LeRoy S.  
Flanders, David A.  
Ford, Bert H.  
Hutchinson, Karen K.  
Kane, Cecelia D.  
MacKinnon, Nancy W.  
Packard, Sherman A.  
Schanda, Joseph, Sr.  
Terninko, Margaret B.  
Warburton, Calvin

Buco, Stephen W.  
Chulack, Peter G., Sr.  
DiPietro, Carmela M.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Griebisch, Linda  
Hynes, Carolyn E.  
Lovejoy, Virginia K.  
Magoon, Harold F.  
Pantelakos, Laura C.  
Seward, Russell G.  
Tufts, Arthur  
Woods, Deborah L.

Campbell, Marilyn R.  
Clark, Martha Fuller  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Johnson, Robert A.  
MacDonald, Joseph A.  
McKinney, Betsy  
Rubin, George R.  
Splaine, John E., Sr.  
Vaughn, Charles L.

### STRAFFORD

Bickford, Drucilla  
Gilmore, Gary R.  
Keans, Sandra B.  
McCann, William H., Jr.  
O'Brien, John  
Spencer, Leo J.  
Wall, Janet G.

Brown, Julie M.  
Hambrick, Patricia A.  
Marston, Robert E.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Wheeler, Katherine W.

Corte, Arthur B.  
Hashem, Elaine M.  
Martling, W. Kent  
Nehring, William H.  
Pelley, Janet R.  
Vincent, Francis C.

### SULLIVAN

Burling, Peter Hoe  
Schotanus, Merle W.  
and the amendment failed.

Flint, Gordon B.  
Tetu, Michael A.

Harland, Jane A.

Rep. Gross offered a floor amendment.

### Floor Amendment

Amend the bill by replacing section 43 with the following:

43 Schedule of Payments. Notwithstanding any other provisions of law, payments of distributions to cities and towns for revenue sharing for fiscal year 1992 and fiscal year 1993 shall be made in 4 equal payments on the fifteenth day of the months of September, December, March and June, beginning on September 15, 1991.

44 Schedule of Payments Deleted from Operating Budget. Amend HB 25-A of the 1991 legislative session by deleting section 21 and renumbering section 22 to read as 21.

45 Contingency. Sections 43 and 44 of this act shall take effect only if sections 19-21 of HB 25-A of the 1991 legislative session becomes laws.

46 Effective Date.

I. Sections 43 and 44 of this act shall take effect as provided in section 45 of this act.

II. The remainder of this act shall take effect July 1, 1991.

### AMENDED ANALYSIS

This bill abolishes the office of securities regulation. It makes the attorney general responsible for the enforcement of the securities laws and gives the secretary of state responsibility for securities filings and related administrative duties.

The bill changes the state's responsibility for paying the premium for state employee health insurance.

This bill establishes a waiver procedure of certain provisions of RSA 21-I when requested by any department or agency to prevent the loss of any federal or other funds subject to recapture.

The bill also:

(1) Increases administrative fees collected from hospitals and nursing homes licensed under RSA 151.

(2) Makes discretionary by the general court the expenditure of the equivalent of 1/15 of the beer tax for roadside litter removal.

(3) Eliminates certain restrictions on transfer of funds within program units.

(4) Establishes a method for computing payment for lost taxes under RSA 219:32.

(5) Suspends the requirement of filing for a new notice of intent to cut when a cutting operation is completed prior to June 30.

(6) Reduces jurors' fees.

(7) Increases fees for birth registration cards and for copies and verifications of vital records.

(8) Exempts the school improvement program from competitive bidding.

(9) Changes the calculation and timing of foundation aid payments for fiscal years 1992 and 1993.

(10) Changes the schedule of payments for distribution to cities and towns for revenue sharing for fiscal years 1992 and 1993.

Rep. Gross spoke in favor.

Adopted.

Rep. Lozeau offered a floor amendment.

### Floor Amendment

Amend the bill by replacing all after section 42 with the following:

#### 43 Revenue Sharing.

I. To provide sufficient funds for the sums appropriated in HB 25-A of the 1991 legislative session for payment of distributions to cities and towns for revenue sharing, the governor is hereby directed to reduce general funds appropriated for fiscal year 1992 by 7.9 percent and for fiscal year 1993 by 3.7 percent; subject to the approval by a majority vote of the general court for each line item reduction.

II. The governor shall, with the approval of the fiscal committee, reduce the rate of the reductions in paragraph I of this section, when it is determined that revenues are being received at rates that, if such rate were to continue, revenues received would exceed the estimates, by an amount not to exceed that which is necessary to satisfy paragraph I of this section.

44 Schedule of Payments. Notwithstanding any other provisions of law, payments of distributions to cities and towns for revenue sharing for fiscal year 1992 and fiscal year 1993 shall be made in 4 equal payments on the fifteenth day of the months of September, December, March and June, beginning on September 15, 1991.



45 Revenue Sharing and Schedule of Payments Deleted from Operating Budget. Amend HB 25-A of the 1991 legislative session by deleting sections 19 and 21 and renumbering section 20 to read as 19 and section 22 to read as 20.

46 Contingency. Sections 43-45 of this act shall take effect only if sections 19-21 of HB 25-A of the 1991 legislative session becomes law.

46 Effective Date.

I. Sections 43-45 of this act shall take effect as provided in section 46 of this act.

II. The remainder of this act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill abolishes the office of securities regulation. It makes the attorney general responsible for the enforcement of the securities laws and gives the secretary of state responsibility for securities filings and related administrative duties.

The bill changes the state's responsibility for paying the premium for state employee health insurance.

This bill establishes a waiver procedure of certain provisions of RSA 21-I when requested by any department or agency to prevent the loss of any federal or other funds subject to recapture.

The bill also:

(1) Increases administrative fees collected from hospitals and nursing homes licensed under RSA 151.

(2) Makes discretionary by the general court the expenditure of the equivalent of 1/15 of the beer tax for roadside litter removal.

(3) Eliminates certain restrictions on transfer of funds within program units.

(4) Establishes a method for computing payment for lost taxes under RSA 219:32.

(5) Suspends the requirement of filing for a new notice of intent to cut when a cutting operation is completed prior to June 30.

(6) Reduces jurors' fees.

(7) Increases fees for birth registration cards and for copies and verifications of vital records.

(8) Exempts the school improvement program from competitive bidding.

(9) Changes the calculation and timing of foundation aid payments for fiscal years 1992 and 1993.

(10) Changes the schedule of payments for distribution to cities and towns for revenue sharing for fiscal years 1992 and 1993.

Reps. Lozeau and Douglas Hall spoke in favor.

Rep. Gross spoke against and yielded to questions.

Rep. Lozeau yielded to questions.

Rep. Jasper spoke against.

Roll call request sufficiently seconded.

The question being on the floor amendment.

**YEAS 159**

**NAYS 177**

**YEAS 159**

**BELKNAP**

Campbell, Richard H., Jr.  
Maviglio, Steven R.

Hawkins, Robert S.  
Salatiello, Thomas B.

Joscelyn, William W.  
Vogler, Charles C.

**CARROLL**

Bradley, Jeb E.

**CHESHIRE**

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Champagne, Richard L.  
Foster, Katherine D.  
LaMar, David M.  
Spear, Susan S.

Clark, Eugene W.  
Hunt, John B.  
Lynch, Margaret A.

**COOS**

Coulombe, Henry W.  
Nelson, Harold D.

Kilbride, Dennis J.  
Oliver, Terry D.

Mayhew, Josephine  
Theriault, Romeo J.

**GRAFTON**

Arnesen, Deborah L.  
Chambers, Mary P.  
LaMott, Paul I.  
Nordgren, Sharon L.  
Ward, Kathleen W.

Bean, Pamela B.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Stewart, Roger D.

Brown, Patricia B.  
Guest, Robert H.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

**HILLSBOROUGH**

Baker, George H., Sr.  
Bourque, Ann J.  
Chasse, Richard D.  
Crotty, Edward J.  
Donovan, Francis X.  
Ferguson, Charles  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Leclerc, Charles J.  
Lozeau, DonnaLee M.  
McRae, Karen K.  
Murphy, Robert E.  
Ouellette, Robert O.  
Pignatelli, Debora B.  
Rothhaus, Finlay C.  
Tarpley, Nancy L.

Baldizar, Barbara J.  
Buckley, Raymond  
Clemons, Jane A.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Jean, Romeo W.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lefebvre, Roland J.  
Martin, Mary Ellen  
Messier, Irene M.  
Nardi, Theodora P.  
Packard, Bonnie B.  
Reidy, Frank J.  
Smith, Leonard A.  
Turgeon, Roland M.

Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Cote, David E.  
Desrochers, Gerard T.  
Dwyer, Patricia R.  
Gagnon, Gabrielle V.  
Green, Scott E.  
Hall, Betty B.  
Johnson, Lionel W.  
King, Frank P.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
McDowell, James E.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Robinson, Ellen-Ann  
Soucy, Donna M.  
White, John M.

**MERRIMACK**

Boucher, Laurent J.  
Daneault, Gabriel J.  
Hall, Douglas E.  
Johnson, Joyce M.  
Molner, Mary E.  
Wallner, Mary Jane  
Yeaton, Charles B.

Braiterman, Thea  
Dunn, Miriam D.  
Jacobson, Alf E.  
Kidder, William F.  
Soldati, Jennifer G.  
Weeks, John F., Jr.

Carter, Susan D.  
Fair, Patricia A.  
Jelley, Francis D.  
Letourneau, George E.  
Trombly, Rick A.  
Whittemore, James A.

**ROCKINGHAM**

Boucher, William P.  
Dowd, Sandra K.  
Hoar, John, Jr.  
Kane, Cecelia D.

Caswell, Albert, Jr.  
Gage, Beverly A.  
Hoezel, Kathleen M.  
Lovejoy, Virginia K.

Clark, Martha Fuller  
Griebsch, Linda  
Johnson, Robert A.  
MacKinnon, Nancy W.

McCain, William F.  
Roulston, Donald L.  
Syracusa, Anthony  
Warburton, Calvin

Packard, Sherman A.  
Schanda, Joseph, Sr.  
Terninko, Margaret B.  
Woods, Deborah L.

Pantelakos, Laura C.  
Splaine, John E., Sr.  
Vaughn, Charles L.

### STRAFFORD

Brown, Julie M.  
Hashem, Elaine M.  
Martling, W. Kent  
O'Brien, John  
Spencer, Leo J.  
Wheeler, Katherine W.

Gilmore, Gary R.  
Keans, Sandra B.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Vincent, Francis C.

Hambrick, Patricia A.  
Marston, Robert E.  
Merrill, Amanda A.  
Pelley, Janet R.  
Wall, Janet G.

### SULLIVAN

Burling, Peter Hoe  
Peyron, Fredrik  
Walsh, Robert R.

Flint, Gordon B.  
Schotanus, Merle W.

Harland, Jane A.  
Tetu, Michael A.

### NAYS 177 BELKNAP

Accornero, Harry  
Dewhurst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

Bartlett, Gordon E.  
Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Cain, Thomas G.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

Beach, Mildred A.  
Dickinson, Howard C.  
Jean, Robert R.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

### CHESHIRE

Cole, Kenneth A.  
Feuer, Joseph N.  
Kennison, Wayne A.  
Pearson, Gertrude B.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Perry, David M.

Crutchley, Donald O.  
Hogan, James B.  
Morse, Jo Ann T.  
Sawyer, Alfred P.

### COOS

Brungot, Catherine V.  
Marsh, Beaton

Guay, Lawrence J.  
Merrill, Gerald P.

Horton, Lynn C.  
Pratt, Leighton C.

### GRAFTON

Adams, Carl S.  
Dow, David  
Lougee, Richard W.  
Scanlan, David M.  
Wadsworth, Karen O.

Brown, Channing T.  
Driscoll, William J.  
Markley, J. Keith  
Shackett, Ralph E.  
Whitcomb, Henry F., Jr.

Christy, C. Dana  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
White, Paul R.

### HILLSBOROUGH

Amidon, Eleanor H.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Durham, Susan B.

Andrews, Frederick B.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Dyer, Merton S.

Arnold, Barbara E.  
Desrosiers, William J.  
Drolet, Paul L.  
Elliott, Larry G.

Emerton, Lawrence A.  
 Ford, Nancy M.  
 Hanselman, Gregory L.  
 Hultgren, David D.  
 Kurk, Neal M.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Record, Alice B.  
 Sallada, Roland A.  
 Tate, Joan C.  
 Wheeler, Robert L.

Fenton, James J.  
 Gagnon, Eugene L.  
 Healy, Daniel J.  
 Jasper, Shawn N.  
 Lawrence, Eva M.  
 McCann, Bonnie Lou  
 Pepino, Leo P.  
 Riley, Frances L.  
 Searles, Stanley N., Sr.  
 Vanderlosk, Stanley R.  
 Wright, George W.

Fields, Dennis H.  
 Greenglass, Alan B.  
 Holden, Carol H.  
 Kelley, Dana F.  
 Lawrence, Norman B.  
 McNerney, Daniel P.  
 Perham, Lester R.  
 Rodgers, G. Philip  
 Stiles, Walter A.  
 Wheeler, David K.

#### MERRIMACK

Asplund, Bronwyn L.  
 Chandler, John P.  
 Gilbreth, Robert M.  
 Hill, Michael J.  
 Millard, Elizabeth S.  
 Stapleton, Henry F.

Barberia, Richard A.  
 Christie, Thomas J.  
 Gross, Caroline L.  
 Holmes, Mary C.  
 Nichols, Avis B.  
 Stio, Peter M.

Chandler, Earle W.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Teague, Bert

#### ROCKINGHAM

Barnes, John S., Jr.  
 Chase, Lawrence A., Jr.  
 Connell, David R.  
 Drake, Herbert R.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Hutchinson, Karen K.  
 Keith, Brenda E.  
 MacDonald, Joseph A.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Senter, Marilyn P.  
 Sytek, Donna P.  
 Welch, David A.

Benton, Richardson D.  
 Chulack, Peter G., Sr.  
 Cote, Patricia L.  
 Dube, LeRoy S.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Hynes, Carolyn E.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McKinney, Betsy  
 Rubin, George R.  
 Seward, Russell G.  
 Sytek, John J.  
 Weyler, Kenneth L.

Campbell, Marilyn R.  
 Coffey, John J.  
 DiPietro, Carmela M.  
 Falwell, Robert V.  
 Flanders, David A.  
 Ford, Bert H.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Schmidtchen, Rowland H.  
 Smith, Arthur W.  
 Tufts, Arthur

#### STRAFFORD

Appleby, James E.  
 Douglass, Clyde J.  
 Kinney, Paula J.  
 Torr, Ann M.

Bickford, Drucilla  
 Foss, Patricia H.  
 Nehring, William H.  
 Tsiros, William

Corte, Arthur B.  
 Kincaid, William K.  
 Sullivan, Henry P.  
 Young, John B.



## SULLIVAN

Behrens, Thomas A.  
Lindblade, Eric N.

Domini, Irene C.  
Middleton, John A.

Krueger, Richard H.  
Rodeschin, Beverly T.

and the amendment failed.

Amended committee report adopted.

Ordered to third reading.

**HB 443-FN-A**, relative to shoreland protection and making an appropriation therefor and relative to water user fees. (A) OUGHT TO PASS WITH AMENDMENT.

This bill represents several years of diligent effort to establish statewide shoreland protection standards and the authority for implementation and enforcement of these standards. However, the Committee encountered two difficulties: (1) implementation and enforcement would constitute a new program when there are many existing and equally worthy programs not yet funded for the next biennium; and (2) reliable budgetary data to support the recommended program is not available. The amendment serves to preserve the concept, but delays implementation pending completion of an implementation plan by the Department of Environmental Services on or before December 30, 1992 and further legislative funding action. Vote 16-4. Rep. John P. Chandler for Appropriations.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to shoreland protection and making an appropriation  
therefor and relative to pesticide applications.

Amend RSA 483-B as inserted by section 1 of the bill by deleting RSA 483-B:18 and renumbering the original RSA 483-B:19 and RSA 483-B:20 to read as RSA 483-B:18 and RSA 483-B:19, respectively.

Amend RSA 483-B:8, III and IV as inserted by section 1 of the bill by replacing them with the following:

III. Municipalities in which protected shoreland is situated may enforce the provisions of this chapter by issuing cease and desist orders and by seeking injunctive relief or civil penalties as provided in RSA 483-B:18, III(a) and (b). Civil penalties and fines collected by the court shall be remitted within 14 days to the treasurer of the municipality prosecuting said violations, for the use of the municipality. Any municipality electing to enforce the provisions of this chapter shall send copies of any pleading to the attorney general at the time of filing. Municipalities bordering the same water body are encouraged to employ jointly a single code enforcement officer to monitor compliance.

IV. The authority granted to municipalities under this chapter shall not be interpreted to extend to RSA 430:28-48.

Amend the bill by replacing all after section 4 with the following:

5 Additional Staff Authorized. The department is authorized to employ additional staff for the administration of section 1 of this act.

6 Draft Ordinance; Office of State Planning to Prepare. Not later than October 1, 1991, the director, office of state planning, shall provide to the commissioner of environmental services a draft model ordinance for use by municipalities in developing

local ordinances to sustain the shoreland protection program established in RSA 483-B.

7 Appropriation. There is appropriated to the department of environmental services the sum of \$1 for the biennium ending June 30, 1993, for the purposes of sections 1 and 5 of this act. The governor shall draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

8 Report. The commissioner shall report to the governor, speaker of the house, and president of the senate on or before December 30, 1992, on an implementation plan for the requirements of this act. This report shall include information on the costs contemplated by the department in implementing the requirements and on the sources of revenue to be used.

9 Contingency. Sections 1, 2, 5 and 6 of this act shall take effect only after the general court has approved funding of sections 1, 2, 5 and 6 of this act after consideration of the implementation plan required under section 8 of this act, except that any gifts, grants, and donations solicited or received by the department of environmental services under RSA 483-B:15 may be expended only for the purpose of preparation of the report required under section 8 of this act. The commissioner shall not activate the rulemaking process pursuant to RSA 483-B:17 until the general court has approved funding of sections 1, 2, 5 and 6 of this act after consideration of the implementation plan required under section 8 of this act.

10 Effective Date.

I. Sections 1, 2, 5 and 6 of this act shall take effect as provided in section 9 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a comprehensive shoreland protection act which:

I. Delineates state and municipal legislative and enforcement authority over shoreland development.

II. Establishes minimum standards for shoreland development.

III. Establishes permitted uses for new and pre-existing lots along shoreland areas.

IV. Provides for technical assistance to municipalities in developing local shoreland protection ordinances.

V. Authorizes acceptance of gifts, grants and donations of money or land to be used for the purpose of shoreland protection.

VI. Requires the commissioner of the department of environmental services to report to the governor and legislative leadership on the implementation plan for this chapter.

The bill excludes rivers from protection and preservation.

Implementation of the shoreland protection act is contingent upon the approval by the general court of the act's funding after consideration of an implementation plan prepared by the commissioner of the department of environmental services.

The bill also makes minor changes in laws relating to pesticide applications.

Adopted.

Rep. Dickinson yielded to questions.

Rep. Markley moved that HB 443-FN-A be laid on the table.

On a division vote 156 members having voted in the affirmative and 166 in the negative, the motion failed.

Report adopted.

Ordered to third reading.

**SB 29-FN-A**, establishing a legislative ethics committee. OUGHT TO PASS.

Senate Bill 29 creates a Legislative Ethics Committee to propose standards for legislative conduct, answer questions from members about ethical behavior and investigate complaints about improper conduct. As a result of intense discussion and public input last year, the bill passed the Senate 24-0; the House Committee voted in favor 12-1. A technical amendment regarding mileage for non-legislative members will be taken care of in SB 15. Rep. Caroline L. Gross for Legislative Administration.

Adopted.

Ordered to third reading.

### SPECIAL ORDERS

**HB 239**, relative to approving reductions in expenditures for departments. OUGHT TO PASS.

This bill removes the option of the Governor to order reductions in expenditures when revenues are below estimate. Vote 13-6. Rep. Paul I. LaMott for Appropriations.

Rep. Stacey Cole moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass and spoke to his motion.

Rep. Nardi spoke against.

On a division vote, 193 members having voted in the affirmative and 135 in the negative, the substitute motion was adopted.

**HB 727-FN**, relative to DWI testing, motor vehicle records fees, and commercial driver licenses. (A) OUGHT TO PASS WITH AMENDMENT.

The amendment deletes section I of the bill which raises the fee two dollars for insurance company record requests. The original bill sets rule and fees for temporary vehicle registration. The bill also sets penalties for commercially licensed drivers who refuse to submit to tests for alcohol concentration or drug presence. It has no fiscal impact. Vote 12-7. Rep. Channing T. Brown for Appropriations.

### Amendment

Amend the bill by deleting section I and renumbering sections 2-5 to read as 1, 2, 3, and 4, respectively.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect July 1, 1991.

### AMENDED ANALYSIS

This bill deletes certain restrictions on commercial motor vehicle driving.

The bill also deletes the requirement that any person seeking a temporary 20-day registration from the division of motor vehicles possess a sales receipt for the vehicle which is dated the same day or one day after issuance of the registration.

Adopted.

Rep. Lozeau offered a floor amendment.

### Floor Amendment

Amend the bill by replacing section 3 with the following:

3 Refusal to Consent to Tests. RSA 263:96, III is repealed and reenacted to read as follows:

III.(a) Upon the first refusal of any person to submit to a test or tests as administered by a law enforcement officer for the purposes of determining the person's alco-

hol concentration or the presence of other drugs, the director shall revoke his commercial license for a period of not less than one year.

(b) If the person has a prior refusal under subparagraph III(a) then, upon the second or subsequent refusal of such person to submit to a test or tests as administered by a law enforcement officer for the purposes of determining the person's alcohol concentration or the presence of other drugs, the director shall revoke his commercial license for a period of not less than 5 years.

Rep. Martling spoke in favor.

Adopted.

Amended report adopted.

Ordered to third reading.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 23, 1991 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 25-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993.

**HB 65-FN-A**, relative to administration and enforcement of the securities law, state employee benefits, and state fees, funds, revenues, and expenditures.

**HB 443-FN-A**, relative to shoreland protection and making an appropriation therefor and relative to pesticide applications.

**SB 29-FN-A**, establishing a legislative ethics committee.

**HB 727-FN**, relative to DWI testing, motor vehicle records fees, and commercial driver licenses.

### UNANIMOUS CONSENT

Rep. Guest addressed the House.

Mr. Speaker, I rise to memorialize John Sloan Dickey of Hanover, Dartmouth's great president from 1945 to 1969, who recently died in Hanover.

Whereas, it was our good fortune to have had such a leader in education looking out for the young people of this state and nation; no simple task, let us reflect. As he said to the graduating seniors of 1956 and their parents:

You know that life has never made complete sense to any thoughtful person and, yet, that it makes too much sense to be left either to chance or to fools. Hence, education.

World War II and his work in the creation of the United Nations convinced him that our lives are now inescapably international. He broadened the College's perspectives, brought in foreign teachers and students, made a place for Black Americans, and created his famous Great Issues course.

To the new veterans of 1947 he said that we — three wars later — should now be saying:

The wartime issue, however complex in its origins, was starkly simple: it was we or they and to the finish. The issues of peacetime are different. They are numerous.



complex, and ill-defined....the business of the truly educated man; it is a harder business than you imagine.

Mr. Dickey was a big man in all respects. He peopled his college with the best students and teachers he could find. Yet, he knew that the excitement of scholarship in library or laboratory must be balanced by the fellowship of football or fishing, or exploring in the wilderness of thought. For him, such recreation often meant snow-shoeing with his wife or hunting with his old friend, Robert Frost, (a poor shot but dead-eye poet).

Perhaps the happiest event of his 24-year tenure was taking President Eisenhower and Governor Sherman Adams on a fishing trip to the (well-stocked) rivers of the Dartmouth Grant.

Therefore, we congratulate Dartmouth College (an institution older than the State of New Hampshire) on having had, for a quarter century, such a man for President;

That we send to his wife and family our deepest sympathy;

and that we ourselves resolve to do what we can for our young people to keep their talents and prospects from the hands of fools or chance.

Rep. Michael Hill moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 6:10 p.m.

#### RECESS

(Deputy Speaker Michael Hill in the Chair)

#### ENROLLED BILLS REPORT

**HB 103**, relative to the time period for perfection of a purchase money security interest under the uniform commercial code.

**HB 117-FN**, relative to housekeeping changes in the weights and measures laws.

**HB 153-FN**, to regulate the handling of manure, agricultural compost and chemical fertilizers.

**HB 162-FN**, extending the committee studying a statewide trauma care system.

**HB 185**, relative to certain security transactions exempted from registration.

**HB 186**, relative to isolated sales of securities.

**HB 270-FN**, relative to filling and dredging in wetlands.

**HB 351**, relative to personal flotation devices for sailboards.

**HB 375-FN**, authorizing towns to accept donations of property.

**HB 436-FN**, making the purchase, possession, and control of child pornography a misdemeanor.

**HB 478-FN**, relative to the emergency shelter program.

**HB 491-FN**, relative to the collection of the normal yield tax in unincorporated towns and unorganized places.

**HB 516**, relative to library trustees' authority to accept gifts.

**HB 555**, limiting horsepower on Big Pea Porridge Pond.

**HB 597-FN**, relative to licensing of nurses.

**HB 676-FN**, relative to notice of discontinuance of class IV, V or VI highways.

#### RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 19**

Tuesday, April 23, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairisto.

Eternal God, we thank You that we have been called to be Your servants in the service of others. Guide us in our service, we pray, that we may remember those whom we have been elected to serve, and in all things seek to do what is proper and honorable and true in Your sight. Save us from unworthy distractions, and bless us now in our day's work, we pray. Amen.

Rep. Leighton Pratt led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Ackerman, Anderson, John Chandler, Conroy, Annette Cooke, Copenhaver, Doucette, Feuerstein, Jelley, Pantelakos, Parr, Perry, Splaine, Swope and Whitcomb, the day, illness.

Reps. A. Gibb Dodge, Trelfa, Bell, David Cote, Fair, Ferlan, Harland, Joyce Johnson, Markley, William McCann, Melnick, Moore, Musler, Oliver, Sherman Packard, Peters and David Young (military service), the day, important business.

Rep. David Dow, the day, illness in the family.

**INTRODUCTION OF GUESTS**

William Victor and Mimi Hamel, guests of Rep. Kurk. Molly Gage Daniels and Meagan Kimball, guests of Rep. Beverly Gage. Lillian Burns, Chester and Doris Savage and Esther Currier, guests of Rep. Burns. Linda, Christopher and Erika Salatiello, wife, son and daughter of Rep. Salatiello. John, Kristen, Brian and Brad Hambrick, husband and children of Rep. Hambrick. Noor Alhumaidhi, niece of Rep. Robinson. Gordon Upton, guest of Rep. Upton. Doug Truell, guest of Rep. Cain. Lori Accornero, Hannah Buckin, Erica Schneeweiss, Kylie Harper, Nichole Langlitz, and Jennifer Armstrong, students from Laconia Christian School and guests of Rep. Accornero. Marian Sallada, wife of Rep. Sallada. Adam and Benjamin Pignatelli, sons of Rep. Pignatelli. Marjorie, Sgt. Randall and Wally Browning, guests of Rep. Gross.

**HOUSE RESOLUTION NO. 22**

honoring Lillian Burns on her ninety-first birthday

WHEREAS, a gentlewoman is defined as one of gentle and refined manner; a well-bred woman of character and fine feelings, and

WHEREAS, in the collective opinion of her family, her friends and her fellow citizens of the North Country, Lillian Alice Savage Burns is a woman who epitomizes that definition, and

WHEREAS, for most of her ninety-one years Lillian Burns has been actively committed to volunteering her efforts on behalf of her community and the state of New Hampshire, and

WHEREAS, Lillian Burns has written a number of historical books relative to the ancestry of the Burns and Savage families, and

WHEREAS, as school district treasurer, Lillian Burns was instrumental in the effort to build the Douglas McIntyre Elementary School in Whitefield, and

WHEREAS, Lillian Burns has long been active in the Whitefield Methodist Church, the Historical Society and was recently honored for her seventy-five years of membership in the Grange, and

WHEREAS, Lillian Burns, throughout her ninety-one years, has made innumerable friends, imparting to all her warmth, felicity and charm, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Lillian Alice Savage Burns, on this occasion of her ninety-first birthday, be recognized and saluted for her outstanding and faithful dedication to her family, her community and her state, and be it further

RESOLVED, that Lillian Burns receive best wishes for a very happy birthday and many happy returns, and that a suitable copy of this Resolution be prepared for presentation to her.

Adopted.

### ENROLLED BILLS AMENDMENT

**HB 402**, relative to placing lime and wood ash on farmland.

#### Amendment

Amend RSA 483:9-a, VII(b) as inserted by section 2 of the bill by replacing line 5 with the following:  
rural river or segment;

### SENATE MESSAGES CONCURRENCE

**HB 53-FN-A**, establishing a continually appropriated state park fund and a ski area funding mechanism.

**HB 114-FN**, relative to the date for terminating the motor vehicle emissions inspection program.

**HB 120**, to standardize the use of tax exemptions and tax credits for property tax purposes.

**HB 170-FN**, to provide immunity to the board of examiners of psychologists, its agents, investigators, and employees against civil actions resulting from disciplinary investigations and proceedings.

**HB 183-FN**, relative to the imposition of fines for securities violations.

**HB 188**, clarifying definitions of "investment metal contract" and "investment gem contract" for purposes of securities regulation.

**HB 255-FN**, establishing the New Hampshire foundation for mental health and the mental health foundation fund.

**HB 256**, limiting liability of any person, firm or corporation which donates equipment or services to any postsecondary technical training program.

**HB 259**, permitting a municipal governing body to assign street numbers.

**HB 292-FN**, relative to the real estate tax lien process.

**HB 313**, relative to conversion between mutual savings banks, cooperative banks, building and loan associations, guaranty savings banks, savings and loan associations, and commercial banks and trust companies.

**HB 368-FN**, naming the Parker L. Hancock building of the New Hampshire state prison.

**HB 396**, relative to filing reports in court proceedings involving children.

**HB 397-FN**, relative to persons afflicted with Alzheimer's disease.

**HB 407**, relative to failure to report injuries resulting from criminal acts.

**HB 433**, establishing a developmentally delayed category.

**HB 454**, relative to safe deposit boxes.

**HB 465**, relative to a state veterans cemetery at Pease Air Force facilities under the Pease development authority.

**HB 492-FN**, relative to conservation restriction assessments.

**HB 496-FN**, relative to administrative fines for marine pollution.

**HB 672-FN**, relative to standards for fire safety for community living facilities.

**HB 706-FN**, relative to the allowable length of semi-trailers.

**HB 752-FN**, prohibiting merchants from requiring the recording of a credit card number or expiration date as a condition for check cashing or acceptance.

**HCR 3**, supporting the building of a fire academy.

**HCR 10**, requesting Congress to propose an amendment to the United States Constitution prohibiting unfunded federal mandates.

**HJR 3**, requesting the university cooperative extension service to continue to work with the governor's commission on the 21st century.

### NONCONCURRENCE

**HCR 9**, relative to universal access to health care.

**HB 100**, clarifying when a school bus driver must pull over to let other drivers pass.

**HB 702**, relative to designated smoking sections in certain buildings and offices.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 174**, requiring the appointment of deputy town clerks by the elected town clerk. Rep. Grodin moved that the House concur. (Amendment printed SJ 15, 4/2/91) Adopted.

**HB 364-FN**, relative to the opening and closing of deer season.

(Rep. Perham moved that the House concur. (Amendment printed SJ 16, 4/9/91) Adopted.

**HB 578**, establishing an advisory committee on Governors state park in Laconia.

Rep. Dickinson moved that the House concur. (Amendment printed SJ 16, 4/9/91) Adopted.

**HB 629-FN**, establishing a task force on congregate housing.

Rep. Tufts moved that the House concur. (Amendment printed SJ 16, 4/9/91) Adopted.

**HB 756-FN**, relative to a victims' bill of rights.

Rep. Martling moved that the House concur. (Amendment printed SJ 18, 4/18/91) Adopted.

### ENROLLED BILLS REPORT

**HB 53-FN-A**, establishing a continually appropriated state park fund and a ski area funding mechanism.

**HB 121-FN**, relative to limiting the mode of taking deer in Dover, Rollinsford and Somersworth.

**HB 183-FN**, relative to the imposition of fines for securities violations.

**HB 188**, clarifying definitions of "investment metal contract" and "investment gem contract" for purposes of securities regulation.

**HB 356-FN**, relative to uniform penalties pertaining to farm products.

**HB 706-FN**, relative to the allowable length of semi-trailers.

**HB 707-FN**, relative to contracts for stenographic and clerical services for indigent defense.



**HB 715-FN**, relative to the right to jury trial in civil cases.

Rep. Dunn, Sen. Currier  
for the Committee

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 42-FN, 168-FN and 213-FN-A, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 42-FN**, relative to the board of podiatry. (To Executive Departments and Administration)

**SB 168-FN**, establishing a committee to study the toll highway system. (To Public Works)

**SB 213-FN-A**, relative to the distribution of meals and rooms tax revenue. (To Ways and Means)

### VACATE

Rep. Hager moved that the House vacate the reference of **SB 32-FN**, permitting district and municipal courts to accept payment of fines by credit card from the Committee on Appropriations.

Adopted and referred to Judiciary.

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 28-FN-A**, relative to promoting New Hampshire businesses and products internationally. **OUGHT TO PASS**.

The structure created by this bill is a most positive step for economic development in the State of New Hampshire. It creates a form of structure between public and private sectors. Vote 13-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Referred to Appropriations.

**SB 52**, changing the name of the Federal Home Loan Bank Board to the Office of Thrift Supervision. **OUGHT TO PASS**.

This bill brings New Hampshire statutes into conformity with federal law by changing the name of Federal Home Loan Bank Board to the Office of Thrift Supervision. Vote 13-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

**SB 143**, extending time limits for condominium projects. **OUGHT TO PASS WITH AMENDMENT**.

Senate Bill 143 addresses the concerns of both condominium owners and developers. It grants additional time to builders and their financiers to complete a development. Condominium owners are given more power in determining final dispositions

of common land where the builder is unable to complete the project. Vote 18-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Contents of Declaration. Amend RSA 356-B:16, III(c) to read as follows:

(c) A time limit, not exceeding 7 years from the recording of the declaration, upon which the option to expand the condominium shall expire, *provided, however, that the time limit contained in the declaration may be extended by not more than 7 years by an amendment to the declaration adopted pursuant to RSA 356-B:54, V*, together with a statement of the circumstances, if any, which will terminate that option prior to the expiration of the time limit so specified;

2 Contents of Declaration. Amend RSA 356-B:16, IV(c) to read as follows:

(c) A time limit, not exceeding 7 years from the recording of the declaration, upon which the option to contract the condominium shall expire, *provided, however, that the time limit contained in the declaration may be extended by not more than 7 years by an amendment to the declaration adopted pursuant to RSA 356-B:54, V*, together with a statement of the circumstances, if any, which will terminate that option prior to the expiration of the time limit so specified;

3 Certification Language. Amend RSA 356-B:20, I and II to read as follows:

I. There shall be recorded simultaneously with the declaration one or more site plans of survey showing the location and dimensions of the submitted land, the location and dimensions of any convertible lands within the submitted land, the location and dimensions of any existing improvements, the intended location and dimensions of any contemplated improvements which are to be located on any portion of the submitted land other than within the boundaries of any convertible lands, and, to the extent feasible, the location and dimensions of all easements appurtenant to the submitted land or otherwise submitted to this chapter as a part of the common areas. If the submitted land is not contiguous, then the site plans shall indicate the distances between the parcels constituting the submitted land. The site plans shall label every convertible land as a convertible land, and if there be more than one such land the site plans shall label each such land with one or more letters or numbers or both different from those designating any other convertible land and different also from the identifying number of any unit. The site plans shall show the location and dimensions of any withdrawable lands, and shall label each such land as a withdrawable land. If, with respect to any portion or portions, but less than all, of the submitted land, the unit owners are to own only an estate for years, the site plans shall show the location and dimensions of any such portions, and shall label each such portion as a leased land. If there is more than one withdrawable land, or more than one leased land, the site plans shall label each such land with one or more letters or numbers or both different from those designating any convertible land or other withdrawable or leased land, and different also from the identifying number of any unit. The site plans shall show all easements to which the submitted land or any portion thereof is subject, and shall show the location and dimensions of all such easements to the extent feasible. The site plans shall also show all encroachments by or on any portion of the condominium. In the case of any improvements located or to be located on any portion of the submitted land other than within the boundaries of any convertible lands, the site plans shall indicate which, if any, have not been begun by the use of the phrase "(NOT YET BEGUN)" and which, if any, have been begun but have not been substantially com-

pleted by the use of the phrase “(NOT YET COMPLETED).” In the case of any units the vertical boundaries of which lie wholly or partially outside of structures for which floor plans pursuant to paragraph II are simultaneously recorded, the site plans shall show the location and dimensions of such vertical boundaries to the extent that they are not shown on such floor plans, and the units or portions thereof thus depicted shall bear their identifying numbers. Each site plan shall be certified as to its accuracy and compliance with the provisions of this paragraph by a registered land surveyor, and the said surveyor shall certify that all units or portions thereof depicted [thereon as completed] *on any portion of the submitted land other than within the boundaries of any convertible lands* have been substantially completed. The specification within this paragraph of items that shall be shown on the site plans shall not be construed to mean that the site plans shall not also show all other items customarily shown or hereafter required for land title surveys.

II. There shall also be recorded, simultaneously with the declaration, floor plans of every structure which contains or constitutes all or part of any unit or units, and which is located on any portion of the submitted land other than within the boundaries of any convertible lands. The floor plans shall show the location and dimensions of the vertical boundaries of each unit to the extent that such boundaries lie within or coincide with the boundaries of such structures, and the units or portions thereof thus depicted shall bear their identifying numbers. In addition, each convertible space thus depicted shall be labeled a convertible space. The horizontal boundaries of each unit having horizontal boundaries shall be identified on the floor plans with reference to established datum. Unless the condominium instruments expressly provide otherwise, it shall be presumed that in the case of any unit not wholly contained within or constituting one or more such structures, the horizontal boundaries thus identified extend, in the case of each such unit, at the same elevation with regard to any part of such unit lying outside of such structures, subject to the following exception: in the case of any such unit which does not lie over any other unit other than basement units, it shall be presumed that the lower horizontal boundary, if any, of that unit lies at the level of the ground with regard to any part of that unit lying outside of such structures. The floor plans shall be certified as to their accuracy and compliance with the provisions of this paragraph by a registered architect, registered engineer or licensed land surveyor, and such architect, engineer or land surveyor shall certify that all units or portions of units depicted on the floor plan [as completed] have been substantially completed.

4 Conversion of Convertible Lands. Amend RSA 356-B:23, III to read as follows:

III. All convertible lands shall be deemed a part of the common areas except for such portions thereof as are converted in accordance with the provisions of this section. Until the expiration of the period during which conversion may occur or until actual conversion, whichever occurs first, real estate taxes shall be assessed against the declarant rather than the unit owners as to both the convertible land and any improvements thereon. No such conversion shall occur after 5 years from the recording of the declaration, or such shorter period of time period as the declaration may specify, *provided, however, that the time limit contained in the declaration may be extended by not more than 5 years by an amendment to the declaration adopted pursuant to RSA 356-B:54, V.*

5 Procedure For Amendment. Amend RSA 356-B:34, II to read as follows:

II. If there is any unit owner other than the declarant, then the condominium instruments shall be amended only by agreement of unit owners of units to which 2/3

of the votes in the unit owners' association appertain, or such larger majority as the condominium instruments may specify, except in cases for which this chapter provides different methods of amendment. *The procedures established in RSA 356-B:54, V shall be followed for amendments to extend the time limits for conversion, expansion, or contraction of a condominium.*

6 New Paragraph: Amendment Procedure. Amend RSA 356-B:54 by inserting after paragraph IV the following new paragraph:

V.(a) Any extension of a time limit set forth in a declaration and relating to RSA 356-B:16, III(c), RSA 356-B:16, IV(c) or RSA 356-B:23, III shall be effective upon the recordation of an amendment reflecting the agreement of owners of substantially completed units to which 2/3 of the votes in the unit owners' association appertain, or such larger majority as the condominium instruments may specify, provided, however, that if the existing rights to expand or contract the condominium or to exercise convertible land rights have expired, such an amendment shall require the unanimous vote of all unit owners of substantially completed units who are present or voting by proxy at a duly called and noticed meeting of the unit owners' association. The amendment shall be deemed a material change requiring submission to the agency of both a copy of the amendment and a certification to include the following information:

- (1) The necessary vote that was obtained.
- (2) The date that the declaration was originally recorded.
- (3) The date that the amendment under this section was recorded.
- (4) The number of units that are substantially completed.
- (5) The number of units that may be added to the condominium by reason of conversion or expansion.

(b) The certification shall be filed on a specific form made available by the agency upon request. Any amendment made pursuant to this section shall be clearly and conspicuously disclosed in any public offering statement that is required for the condominium. A copy of such disclosure shall be submitted to the agency, but does not require its approval. However, any defects or ambiguities noted therein by the agency and communicated to the submitting party shall be corrected prior to any further use or distribution of the statement.

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill extends the time limits within which condominium projects can be completed. The bill establishes a procedure for amending the condominium instruments to extend such time limits.

**SB 228-FN-A**, relative to the treatment of New Hampshire trusts and the open bank assistance program under the New Hampshire business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

This bill codifies the position of New Hampshire investment trusts under statutory law and permits their entrance into investment activity per se. This bill, made operational, should provide a solid boost to the state's economy. In no way does this bill provide an opportunity for banks to enter the insurance field. Vote 15-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.



**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to the treatment of New Hampshire investment trusts  
and the open bank assistance program under the  
New Hampshire business profits tax.

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Treatment of New Hampshire Investment Trusts. Amend RSA by inserting after chapter 293-A the following new chapter:

**CHAPTER 293-B****TREATMENT OF NEW HAMPSHIRE INVESTMENT TRUSTS**

293-B:1 Purpose. The general court finds that the revitalization of the state's economy and the development of business and investment in New Hampshire will be facilitated by making available a broad range of entities for investment enterprises. The statutory recognition of investment trusts, previously recognized only in common law, provides an alternative to conducting investment activity through entities such as corporations and partnerships and will introduce certainty as to treatment of investment trusts under state law, particularly with respect to the rights and duties of their trustees and beneficiaries. It is the intent of the general court to give the constituent members of investment trusts the widest discretion to fashion structures of such entities to meet their investment needs consistent with the provisions of this chapter.

293-B:2 Definitions. As used in this chapter, unless the context otherwise requires:

I. "Bank" means bank as such term is defined in RSA 384-B:1, I and shall also include any national banking association authorized to conduct business in this state.

II. "Beneficial owner" means any owner of a beneficial interest in a New Hampshire investment trust, the fact of ownership to be determined and evidenced (whether by means of registration, the issuance of certificates, or otherwise) in conformity to the applicable provisions of the governing instrument of the New Hampshire investment trust.

III. "Governing instrument" means a trust instrument which creates a New Hampshire investment trust and provides for the governance of the affairs of the New Hampshire investment trust and the conduct of its investment activities.

IV. "New Hampshire investment trust" means a "qualified investment company" as defined in RSA 77-A:1, XXI.

V. "Other investment entity" means an out-of-state investment entity which meets the definition of a "qualified investment company" as defined in RSA 77-A:1, XXI, with the exception that such other investment entity need not submit certification to the commissioner.

VI. "Person" means a natural person, partnership, limited partnership, trust, estate, association, corporation, custodian, nominee or any other individual or entity in its own or any representative capacity.

VII. "Trustee" means the person or persons appointed as a trustee in accordance with the governing instrument of a New Hampshire investment trust to manage the business, investment activity, and affairs of such New Hampshire investment trust, and may include the beneficial owners or any of them.

293-B:3 Organization; Purposes. A New Hampshire investment trust may be organized under this chapter for the purpose of carrying on any lawful investment activity

within or outside this state, except that nothing contained in this chapter shall preclude a New Hampshire investment trust from engaging in the activities of a trust.

**293-B:4 Liability of Beneficial Owners and Trustees.**

I. Except to the extent otherwise provided in the governing instrument of the New Hampshire investment trust, the beneficial owners shall be entitled to the same limitation of personal liability extended to stockholders of business corporations.

II. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, a trustee, when acting in such capacity, shall not be personally liable to any person for any act, omission or obligation of the New Hampshire investment trust or any trustee thereof, other than any liabilities to the New Hampshire investment trust or a beneficial owner which arise under the terms of the governing instrument of the New Hampshire investment trust.

**293-B:5 Legal Proceedings.**

I. A New Hampshire investment trust may sue and be sued. In furtherance of the foregoing, a New Hampshire investment trust may be sued for debts and other obligations or liabilities contracted or incurred by the trustees, or by the duly authorized agents of such trustees, in the performance of their respective duties under the governing instrument of the New Hampshire investment trust, and for any damages to persons or property resulting from the negligence of such trustees or agents acting in the performance of such respective duties. The property of a New Hampshire investment trust shall be subject to attachment and execution as if it were a corporation, in accordance with the relevant provisions of New Hampshire law.

II. Notwithstanding paragraph I, if the governing instrument of a New Hampshire investment trust which is a registered investment company under the Investment Company Act of 1940, as amended (15 U.S.C. section 80a-1 et seq.), creates one or more series as provided in RSA 293-B:7, II(d), and if separate and distinct records are maintained for any such series and the assets associated with any such series are held and accounted for separately from the other assets of the New Hampshire investment trust, or any other series thereof, and if the governing instrument so provides, and notice of the limitation on liabilities of a series as referenced in this sentence is set forth in the certificate of trust of the New Hampshire investment trust, then the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the New Hampshire investment trust generally.

**293-B:6 Rights of Beneficial Owners in Trust Property.**

I. Except to the extent otherwise provided in the governing instrument of the New Hampshire investment trust, a beneficial owner shall have an undivided beneficial interest in the property of the New Hampshire investment trust or, if applicable, in accordance with the provisions of RSA 293-B:7, specified property of the New Hampshire investment trust, and shall share in the profits and losses of the New Hampshire investment trust in the proportion, expressed as a percentage, of the entire undivided beneficial interest in the New Hampshire investment trust owned by such beneficial owner or, if applicable, in accordance with the provisions of RSA 293-B:7, in the proportion, expressed as a percentage, of the entire undivided beneficial interest in the series or class of beneficial interests in the New Hampshire investment trust owned by such beneficial owner. The governing instrument of a New Hampshire investment trust may provide that the New Hampshire investment trust or the trustees, acting for and on behalf of the New Hampshire investment trust, shall be deemed to

hold beneficial ownership of any income earned on securities of the New Hampshire investment trust issued by any business entities formed, organized, or existing under the laws of any jurisdiction, including the laws of any foreign country.

II. No creditor of the beneficial owner shall have any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the New Hampshire investment trust.

III. A beneficial owner's beneficial interest in the New Hampshire investment trust is freely transferable except to the extent otherwise provided in the governing instrument of the New Hampshire investment trust.

293-B:7 Management of a New Hampshire Investment Trust.

I. The business and affairs of a New Hampshire investment trust shall be managed by or under the direction of its trustees. To the extent provided in the governing instrument of a New Hampshire investment trust, any person, including a beneficial owner, shall be entitled to direct the trustees in the management of a New Hampshire investment trust, including without limitation the investment of securities, real estate, mortgages, and other assets of the New Hampshire investment trust. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, neither the power to give direction to a trustee nor the exercise thereof by any person, including a beneficial owner, shall cause such person to be a trustee.

II. A governing instrument may contain any provision relating to the management of the business or investment affairs of the New Hampshire investment trust, and the rights, duties and obligations of the trustees, beneficial owners and other persons, which is not contrary to any provision or requirement of this chapter and, without limitation:

(a) May provide that a person shall become a beneficial owner and shall become bound by the governing instrument if such person, or a representative authorized by such person orally, in writing or by other action such as payment for a beneficial interest, complies with the conditions for becoming a beneficial owner set forth in the governing instrument or any other writing and acquires a beneficial interest;

(b) May consist of one or more agreements, instruments or other writings and may include or incorporate bylaws containing provisions relating to the business or investment activities of the New Hampshire investment trust, the conduct of its affairs and its rights or powers or the rights or powers of its trustees, beneficial owners, agents or employees;

(c) May provide for classes, groups or series of trustees or beneficial owners, or classes, groups or series of beneficial interests, having such relative rights, powers and duties as the governing instrument may provide, and may make provision for the future creation in the manner provided in the governing instrument of additional classes, groups or series of trustees, beneficial owners or beneficial interests, having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior or subordinate to existing classes, groups or series of trustees, beneficial owners or beneficial interests;

(d) May establish or provide for the establishment of designated series of trustees, beneficial owners or beneficial interests having separate rights, powers or duties with respect to specified property or obligations of the New Hampshire investment trust or profits and losses associated with specified property or obligations, and to the extent provided in the governing instrument, any such series may have a separate investment objective;

(e) May provide for the taking of any action, including the amendment of the governing instrument; the accomplishment of a merger or consolidation; the appointment of one or more trustees; the sale, lease, exchange, transfer, pledge or other disposition of all or any part of the assets of the New Hampshire investment trust or the assets of any series; or the dissolution of the New Hampshire investment trust, or may provide for the taking of any action to create under the provisions of the governing instrument a class, group or series of beneficial interests that was not previously outstanding, in any such case without the vote or approval of any particular trustee or beneficial owner, or class, group or series of trustees or beneficial owners;

(f) May grant to or withhold from all or certain trustees or beneficial owners, or a specified class, group or series of trustees or beneficial owners, the right to vote, separately or with any or all other classes, groups or series of the trustees or beneficial owners, on any matter, such voting being on a per capita, number, financial interest, class, group, series or any other basis;

(g) May, if and to the extent that voting rights are granted under the governing instrument, set forth provisions relating to notice of the time, place or purpose of any meeting at which any matter is to be voted on; waiver of any such notice; action by consent without a meeting; the establishment of record dates, quorum requirements, voting in person, by proxy or in any other manner; or any other matter with respect to the exercise of any such right to vote; or

(h) May provide for the present or future creation of more than one New Hampshire investment trust, including the creation of a future New Hampshire investment trust to which all or any part of the assets, liabilities, profits or losses of any existing New Hampshire investment trust will be transferred, and for the conversion of beneficial interests in an existing New Hampshire investment trust, or series thereof, into beneficial interests in the separate New Hampshire investment trust, or series thereof.

293-B:8 Trustee in State.

I. Every New Hampshire investment trust shall at all times have at least one trustee which may either be a natural person or a bank, and in the case of a natural person shall be a person who is a resident of this state. As long as this requirement is satisfied, any additional trustee need not be a bank or natural person who is a resident of this state.

II. Notwithstanding the provisions of paragraph I, if a New Hampshire investment trust is or becomes a registered investment company under the Investment Company Act of 1940, as amended (15 U.S.C. section 80a-1 et seq.), such New Hampshire investment trust shall not be required to have a trustee who is a resident of this state or a bank if and for so long as such New Hampshire investment trust shall be in compliance with paragraph III.

III. Each New Hampshire investment trust shall have and maintain in this state:

(a) A registered office, which may but need not be a place of business in this state; and

(b) A registered agent for service of process on the New Hampshire investment trust, which agent may be either an individual resident of this state or a business entity authorized to do business in this state.

IV. A New Hampshire investment trust may change the location of its registered office in this state to any other place in this state, or may change the registered agent to any other individual resident of this state or business entity having its principal place



of business in this state, by delivering for filing an amendment to its certificate of trust to the secretary of state in accordance with the applicable provisions of this chapter.

293-B:9 Existence of New Hampshire Investment Trust.

I. A New Hampshire investment trust shall exist as a separate legal entity.

II. Except to the extent otherwise provided in the governing instrument of the New Hampshire investment trust, the New Hampshire investment trust shall have perpetual existence.

III. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, the death, incapacity, dissolution, termination or bankruptcy of a beneficial owner shall not result in the termination or dissolution of a New Hampshire investment trust.

293-B:10 Applicability of Trust Law. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust or in this chapter, the laws of this state pertaining to trusts are hereby made applicable to New Hampshire investment trusts.

293-B:11 Certificate of Trust; Amendment; Cancellation.

I. One original and one exact copy of a certificate of trust for a New Hampshire investment trust shall be executed and shall be delivered for filing to the secretary of state. The certificate of trust shall set forth:

(a) The name of the New Hampshire investment trust;

(b) The name and the business address of each of the trustees;

(c) The name and the business address of the registered agent for service of process;

(d) The future effective date or time, which shall be a date or time certain, of effectiveness of the certificate if it is not to be effective upon the filing of the certificate; and

(e) Any other information the trustees determine to include.

II. A certificate of trust may be amended by delivering for filing one original and one exact copy of a certificate of amendment to the secretary of state. The certificate of amendment shall set forth:

(a) The name of the New Hampshire investment trust;

(b) The amendment to the certificate; and

(c) The future effective date or time, which shall be a date or time certain, of effectiveness of the certificate if it is not to be effective upon the filing of the certificate.

III. A certificate of trust may be amended at any time for any purpose as the trustees may determine. A trustee who becomes aware that any statement in a certificate of trust was false when made or that any matter described has changed making the certificate false in any material respect, shall promptly file a certificate of amendment.

IV. A certificate of trust shall be cancelled upon the completion of winding up of the New Hampshire investment trust and its termination. One original and one exact copy of a certificate of cancellation and a statement from the department of revenue administration that all taxes due from or accrued by the New Hampshire investment trust through the effective date of cancellation have been either assessed and paid or adequately provided for in a manner acceptable to the department of revenue administration shall be delivered for filing to the secretary of state and shall set forth:

(a) The name of the New Hampshire investment trust;

(b) The date of filing of its certificate of trust;

(c) The future effective date or time, which shall be a date or time certain, of cancellation if it is not to be effective upon the filing of the certificate; and

(d) Any other information the trustees determine to include.

293-B:12 Execution.

I. Each certificate required by this chapter to be delivered for filing to the secretary of state shall be executed in one original and one exact copy in the following manner:

(a) A certificate of trust shall be signed by all of the trustees;

(b) A certificate of amendment shall be signed by at least one of the trustees;

(c) A certificate of cancellation shall be signed by all of the trustees or as otherwise provided in the governing instrument of the New Hampshire investment trust; and

(d) If a New Hampshire investment trust is filing a certificate of merger or consolidation, the certificate of merger or consolidation shall be signed by all of the trustees or as otherwise provided in the governing instrument of the New Hampshire investment trust, or, if the certificate of merger or consolidation is being filed by an other investment entity, the certificate of merger or consolidation shall be signed by a person authorized to execute such instrument on behalf of such other investment entity.

II. The execution of a certificate by a trustee constitutes an oath or affirmation, under the penalties of perjury that, to the best of the trustee's knowledge and belief, the facts stated in the certificate are true.

293-B:13 Filing.

I. One original and one exact copy of the certificate of trust and any certificates of amendment or cancellation or any certificate of merger or consolidation shall be delivered to the secretary of state. Unless the secretary of state finds that any certificate does not conform to law, upon receipt of all filing fees required by law he shall:

(a) Certify that the certificate of trust, the certificate of amendment, the certificate of cancellation, or the certificate of merger or consolidation has been filed in his office by endorsing upon the original certificate the word "Filed", and the date and hour of the filing. This endorsement is conclusive of the date and time of its filing in the absence of actual fraud;

(b) File and index the endorsed certificate; and

(c) Return the exact copy, similarly endorsed, to the person who filed it or his representative.

II. Upon the filing of a certificate of trust with the secretary of state, or upon the future effective date or time of a certificate of trust as provided for therein, the certificate of trust shall be effective. Upon the filing of a certificate of amendment in the office of the secretary of state, or upon the future effective date or time of a certificate of amendment as provided for therein, the certificate of trust shall be amended as set forth therein. Upon the filing of a certificate of cancellation or a certificate of merger or consolidation which acts as a certificate of cancellation with the secretary of state, or upon the future effective date or time of a certificate of cancellation or a certificate of merger or consolidation which acts as a certificate of cancellation, as provided for therein, the certificate of trust shall be cancelled.

III. A fee as set forth in RSA 293-B:14, I shall be paid at the time of the filing of a certificate of trust, a certificate of amendment, a certificate of cancellation or a certificate of merger or consolidation.

293-B:14 Fees.

I. No documents required to be filed under this chapter shall be effective until the applicable fee required by this paragraph is paid. The secretary of state shall charge and collect the following fees:

(a) A fee of \$35 for:

- (1) Filing a certificate of trust;
- (2) Filing a certificate of amendment;
- (3) Filing a certificate of cancellation; or
- (4) Filing a certificate of merger or consolidation.

(b) A fee of \$15 for:

- (1) Filing an application for reservation of name;
- (2) Filing a notice of transfer of reservation; or
- (3) Filing a notice of cancellation of reservation.

II. In addition to the fee provided in subparagraph I(a), a registration fee of \$50 from each New Hampshire investment trust at the time of filing a certificate of trust.

III. For the privilege of maintaining its certificate of trust in good standing and continuing to exercise its authority to transact the business of a New Hampshire investment trust in this state, a fee of \$200 from each New Hampshire investment trust established under RSA 293-B, payable on or before April 1 of each year.

293-B:15 Collection of Fees; Administration.

I. The secretary of state shall collect all fees required under RSA 293-B and shall pay them to the treasurer to be deposited in the general fund as unrestricted revenue, except as provided in paragraph II.

II. The state treasurer shall pay the expense of administering RSA 293-B out of any money in the treasury not otherwise appropriated until the fees collected pursuant to RSA 293-B:14, I, have been received by him. Thereafter, he shall pay for the expenses of administering this chapter out of the fees collected under RSA 293-B:14, I, and shall reimburse the treasury for previous expenses paid by him. The governor is authorized to draw his warrant for the sums authorized by this section out of any money in the treasury not otherwise appropriated.

293-B:16 Use of Names Regulated.

I. The name of each New Hampshire investment trust as set forth in its certificate of trust shall not be the same or deceptively similar to the name of any corporation, trade name, limited partnership or New Hampshire investment trust reserved, registered or organized under the laws of this state or qualified to do business or conduct investment activity or registered as a foreign corporation or foreign limited partnership in this state; provided, however, that a New Hampshire investment trust may register under any name which is similar to the name of any corporation, trade name, limited partnership or New Hampshire investment trust reserved, registered or organized under the laws of this state or qualified to do business or conduct investment activity or registered as a foreign corporation or foreign limited partnership in this state with the consent of the other corporation, trade name, limited partnership or New Hampshire investment trust, which written consent shall be filed with the secretary of state.

II. The exclusive right to the use of a name may be reserved by:

(a) Any person intending to form a New Hampshire investment trust and to adopt that name; and

(b) Any New Hampshire investment trust registered in this state which proposes to change its name.

III. The reservation of a specified name shall be made by filing with the secretary of state an application, executed by the applicant, which may either be a signed or conformed copy, specifying the name to be reserved and the name and address of the applicant. If the secretary of state finds that the name is available for use by a New Hampshire investment trust, he shall reserve the name for the exclusive use of the applicant for a period of 120 days. The same applicant may not reserve the same name until a period of 60 days has passed since the expiration of that applicant's prior reservation. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved, which may be either a signed or conformed copy, specifying the name to be transferred and the name and address of the transferee. The reservation of a specified name may be cancelled by filing with the secretary of state a notice of cancellation, executed by the applicant or transferee, which may be either a signed or conformed copy, specifying the name reservation to be cancelled and the name and address of the applicant or transferee.

IV. A fee as set forth in RSA 293-B:14, I(b) shall be paid at the time of the initial reservation of any name, and at the time of the filing of a notice of the transfer or cancellation of any such reservation.

293-B:17 Merger and Consolidation.

I. Pursuant to an agreement of merger or consolidation, a New Hampshire investment trust may merge or consolidate with or into one or more New Hampshire investment trusts or other investment entities formed or organized or existing under the laws of any other state or the United States or any foreign country or other foreign jurisdiction, with such New Hampshire investment trust or other investment entity as the agreement shall provide being the surviving or resulting New Hampshire investment trust or other investment entity. Unless otherwise provided in the governing instrument of a New Hampshire investment trust, a merger or consolidation shall be approved by each New Hampshire investment trust which is to merge or consolidate by all of the trustees and the beneficial owners of such New Hampshire investment trust. In connection with a merger or consolidation hereunder, rights or securities of, or interests in, a New Hampshire investment trust or other investment entity which is a constituent party to the merger or consolidation may be exchanged for or converted into cash, property, rights or securities of, or interests in, the surviving or resulting New Hampshire investment trust or other investment entity or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interest in, a New Hampshire investment trust or other investment entity which is not the surviving or resulting New Hampshire investment trust or other investment entity in the merger or consolidation. Notwithstanding prior approval, an agreement of merger or consolidation may be terminated or amended pursuant to a provision of such termination or amendment contained in the agreement of merger or consolidation.

II. If a New Hampshire investment trust is merging or consolidating under this section, the New Hampshire investment trust or other investment entity surviving or resulting in or from the merger or consolidation shall deliver one original and one exact copy of a certificate of merger or consolidation to the secretary of state. The certificate of merger or consolidation shall state:

(a) The name and jurisdiction of formation or organization of each of the New Hampshire investment trusts or other investment entities which is to merge or consolidate;



(b) That an agreement of merger or consolidation has been approved and executed by each of the New Hampshire investment trusts or other investment entities which is to merge or consolidate;

(c) The name of the surviving or resulting New Hampshire investment trust or other investment entity;

(d) The future effective date or time, which shall be a date or time certain, of the merger or consolidation if it is not to be effective upon the filing of the certificate of merger or consolidation;

(e) That the executed agreement of merger or consolidation is on file at the principal place of business of the surviving or resulting New Hampshire investment trust or other investment entity, and shall state the address thereof;

(f) That a copy of the agreement of merger or consolidation will be furnished by the surviving or resulting New Hampshire investment trust or other investment entity, on request and without cost, to any beneficial owner of any New Hampshire investment trust or any person holding an interest in any other investment entity which is to merge or consolidate; and

(g) If the surviving or resulting entity is not a New Hampshire investment trust, a statement that such surviving or resulting other investment entity agrees that it may be served with process in the state of New Hampshire in any action, suit or proceeding for the enforcement of any obligation of any New Hampshire investment trust which is to merge or consolidate, irrevocably appointing the secretary of state as its agent to accept service of process in any such action, suit or proceeding and specifying the address to which a copy of such process shall be mailed to it by the secretary of state. In the event of service under this subparagraph upon the secretary of state, the plaintiff in any such action, suit or proceeding shall furnish the secretary of state with the address specified in the certificate of merger or consolidation provided for in this section and any other address which the plaintiff may elect to furnish, together with copies of such process as required by the secretary of state, and the secretary of state shall notify such surviving or resulting other investment entity thereof at all such addresses furnished by the plaintiff by letter, certified mail, return receipt required. Such letter shall enclose a copy of the process and any other papers served upon the secretary of state. It shall be the duty of the plaintiff in the event of such service to serve process and any other papers in duplicate, to notify the secretary of state that service is being made pursuant to this subparagraph, and to pay the secretary of state the sum of \$25 for use of the state of New Hampshire, which sum shall be taxed as part of the costs in the proceeding, if the plaintiff shall prevail therein. The secretary of state shall maintain an alphabetical record of any such process setting forth the names of the plaintiff and defendant, the title, docket number and nature of the proceedings in which process has been served upon him, the return date thereof, and the day and hour when the service was made. The secretary of state shall not be required to retain such information for a period longer than 5 years from his receipt of the service of process.

III. Any failure to file a certificate of merger or consolidation in connection with a merger or consolidation which was effective prior to the effective date of this chapter shall not affect the validity or effectiveness of any such merger or consolidation.

IV. Unless a future effective date or time is provided in a certificate of merger or consolidation, in which event a merger or consolidation shall be effective at any such future effective date or time, a merger or consolidation shall be effective upon the filing in the office of the secretary of state of a certificate of merger or consolidation.

V. A certificate of merger or consolidation shall act as a certificate of cancellation for a New Hampshire investment trust which is not the surviving or resulting entity in the merger or consolidation.

VI. Notwithstanding anything to the contrary contained in the governing instrument of a New Hampshire investment trust, a governing instrument of a New Hampshire investment trust containing a specific reference to this paragraph may provide that an agreement of merger or consolidation approved in accordance with paragraph I may (1) effect any amendment to the governing instrument of the New Hampshire investment trust or (2) effect the adoption of a new governing instrument of the New Hampshire investment trust if it is the surviving or resulting New Hampshire investment trust in the merger or consolidation. Any amendment to the governing instrument of a New Hampshire investment trust or adoption of a new governing instrument of the New Hampshire investment trust made pursuant to this paragraph shall be effective at the effective time or date of the merger or consolidation. The provisions of this paragraph shall not be construed to limit the accomplishment of a merger or consolidation or of any of the matters referred to herein by any other means provided for in the governing instrument of a New Hampshire investment trust or other agreement or as otherwise permitted by law, including that the governing instrument of any constituent New Hampshire investment trust to the merger or consolidation, including a New Hampshire investment trust formed for the purpose of consummating a merger or consolidation, shall be the governing instrument of the surviving or resulting New Hampshire investment trust.

VII. When any merger or consolidation shall have become effective under this section, for all purposes of the laws of the state of New Hampshire, all of the rights, privileges and powers of each of the New Hampshire investment trusts and other investment entities that have merged or consolidated, and all property, real, personal and mixed, and all debts due to any of said New Hampshire investment trusts and other investment entities, as well as all other things and causes of action belonging to each of such New Hampshire investment trusts and other investment entities, shall have vested in the surviving or resulting New Hampshire investment trust or other investment entity, and shall thereafter be the property of the surviving or resulting New Hampshire investment trust or other investment entity as they were of each of the New Hampshire investment trusts and other investment entities that have merged or consolidated, and the title to any real property vested by deed or otherwise, under the laws of the state of New Hampshire, in any of such New Hampshire investment trusts and other investment entities, shall not revert or be in any way impaired by reason of this chapter: but all rights of creditors and all liens upon any property of any of said New Hampshire investment trusts and other investment entities shall be preserved unimpaired, and all debts, liabilities and duties of each of the said New Hampshire investment trusts and other investment entities that have merged or consolidated shall thenceforth attach to the surviving or resulting New Hampshire investment trust or other investment entity, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

293-B:18 Derivative Actions.

I. A beneficial owner may bring an action in the right of a New Hampshire investment trust in the same state court of New Hampshire as derivative actions with respect to corporations under RSA 293-A:49 to recover a judgment in its favor if trustees with authority to do so have refused to bring the action or if an effort to cause those trustees to bring the action is not likely to succeed.

II. In a derivative action, the plaintiff shall be a beneficial owner at the time of bringing the action:

(a) At the time of the transaction of which he complains; or

(b) His status as a beneficial owner had devolved upon him by operation of law or pursuant to the terms of the governing instrument of the New Hampshire investment trust from a person who was a beneficial owner at the time of the transaction.

III. In a derivative action, the complaint shall set forth with particularity the effort, if any, of the plaintiff to secure initiation of the action by the trustees, or the reasons for not making the effort.

IV. If a derivative action is successful, in whole or in part, or if anything is received by a New Hampshire investment trust as a result of a judgment, compromise or settlement of any such action, the court may award the plaintiff reasonable expenses, including reasonable attorneys' fees. If anything is so received by the plaintiff, the court shall make such award of plaintiff's expenses payable out of those proceeds and direct plaintiff to remit to the New Hampshire investment trust the remainder thereof, and if those proceeds are insufficient to reimburse plaintiff's reasonable expenses, the court may direct that any such award of plaintiff's expenses or a portion thereof be paid by the New Hampshire investment trust.

293-B:19 Indemnification.

I. Subject to such standards and restrictions, if any, as are set forth in the governing instrument of a New Hampshire investment trust, a New Hampshire investment trust shall have the power to indemnify and hold harmless any trustee or beneficial owner or other person from and against any and all claims and demands whatsoever.

II. The absence of a provision for indemnity in the governing instrument of a New Hampshire investment trust shall not be construed to deprive any trustee or beneficial owner or other person of any right to indemnity which is otherwise available to such person under the laws of this state.

293-B:20 Applicability. To the extent that any provision of any other chapter of the New Hampshire Revised Statutes Annotated conflicts with any provision in this chapter, the provisions in this chapter shall be controlling, with respect to a New Hampshire investment trust or other investment entity.

293-B:21 Short Title. This chapter may be cited as the "New Hampshire Investment Trust Act."

293-B:22 Other Trusts not Affected. This chapter shall not be interpreted to limit or to enlarge the power of trusts that are organized under any other law and shall apply only to a New Hampshire investment trust as defined in RSA 293-B:2, IV and an other investment entity as defined in RSA 293-B:2, V.

293-B:23 Insurance not Affected. This chapter shall not be interpreted to limit or to enlarge the power of any state-chartered or federally-chartered financial institution to engage in the business of insurance or in any activity requiring licensing under RSA 401 or RSA 405.

2 Voluntary Corporations; Name. Amend RSA 292:3 to read as follows:

292:3 Name. Any corporate name may be assumed which is not the same as or deceptively similar to an existing corporation name, reserved or registered name, *New Hampshire investment trust*, partnership or trade name, provided that a similar name may be assumed if written consent is obtained from the holder of the existing name.

3 Business Corporations; Corporate Name. Amend the introductory paragraph of RSA 293-A:8, I(c) to read as follows:



(c) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in this chapter, or the name of a corporation which has in effect a registration of its corporate name as provided in this chapter, or the name of an agency or instrumentality of the United States or this state or a subdivision thereof, or the name of a proprietorship, partnership, *New Hampshire investment trust*, or an association registered as a trade name in this state. This provision shall not apply if the applicant files with the secretary of state either of the following:

4 Limited Partnerships; Name. Amend RSA 304-B:2, III to read as follows:

III. May not be the same as, or deceptively similar to, the name of any corporation [or], limited partnership *or New Hampshire investment trust* organized under the laws of this state or licensed or registered as a foreign corporation [or], limited partnership *or New Hampshire investment trust* in this state.

5 Foreign Partnerships; Registration. Amend RSA 305-A:1, IV to read as follows:

IV. A foreign partnership may assume any name which is not in use by any domestic partnership or any other foreign partnership admitted to do business in this state, and which is not so similar thereto or to that of any corporation, *New Hampshire investment trust*, or association carrying on business in this state as to be liable to be mistaken for it; provided that such name or similar name may be adopted with the consent in writing of such existing corporation, *New Hampshire investment trust*, partnership or association filed with the application for certificate of authority pursuant to RSA 305-A:2.

6 Trade Name; Registration; Generally. Amend RSA 349:1 to read as follows:

349:1 Registration; Generally. Every sole proprietor doing business in this state under any other name than his own, and every partnership, corporation, *New Hampshire investment trust* or association doing business in this state shall register the trade name of such business *or New Hampshire investment trust* in the manner provided in RSA 349:5 and 349:6. The provisions of this chapter shall not apply to corporations organized under RSA 292, 293-A and 301, *or to New Hampshire investment trusts organized under RSA 293-B*, except as such corporations *or New Hampshire investment trusts* may be doing business *or the business of a New Hampshire investment trust* under trade names other than the name of the corporation *or New Hampshire investment trust*; and the provisions hereof shall not apply to rating organizations, advisory organizations, or any group, association or other organization or insurers which engage in joint underwriting or joint reinsurance which are referred to in, and subject to the provisions of, RSA 413. The secretary of state shall decline to register any trade name similar or likely to be confused with or mistaken for any trade name title or identification of any existing validly registered person, proprietorship, firm, partnership, corporation, *New Hampshire investment trust* or association unless such existing person, proprietorship, firm, partnership, corporation, *New Hampshire investment trust* or association assents in writing to the adoption of such similar name.

7 Who Taxable; Interest and Dividends Tax. Amend RSA 77:3 to read as follows:

77:3 Who Taxable.

I. Taxable income is that income received from interest and dividends during the tax year prior to the assessment date by:



[I.](a) Individuals who are inhabitants or residents of this state for any part of the taxable year whose gross interest and dividend income from all sources exceeds \$1,200 during that taxable period.

[II.](b) Partnerships, associations, and trusts, [other than a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.] the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds \$1,200 during the taxable year, *but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.*

[III.](c) Fiduciaries deriving their appointment from a court of this state whose gross interest and dividend income from all sources exceeds \$1,200 during the taxable year.

*II. No person shall be subject to tax under RSA 77 solely due to its holding an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI.*

8 New Paragraph; What Taxable; Interest and Dividends Tax. Amend RSA 77:4 by inserting after paragraph IV the following new paragraph:

V. For each holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI, which holder is subject to tax under RSA 77, the holder's proportional share of the income, less any income attributable to United States government notes or bonds, of such qualified investment company shall be treated as a dividend; however, notwithstanding any other provision of RSA 77, no actual distribution made to such holder by such qualified investment company shall be taxable under RSA 77.

9 Definitions; Business Profits Tax. Amend RSA 77-A:1, I to read as follows:

I. "Business organization" means any enterprise, whether corporation, partnership, proprietorship, association, business trust, real estate trust or other form of organization, organized for gain or profit, carrying on any business activity within the state, except such enterprises as are expressly made exempt from income taxation under the United States Internal Revenue Code as defined in RSA 77-A:1, XX. Each enterprise under this definition shall be subject to taxation under RSA 77-A:2 as a separate entity, unless specifically authorized by this chapter to be treated otherwise, such as, but not limited to, combined reporting. The use of consolidated returns as defined in the United States Internal Revenue Code as defined in RSA 77-A:1, XX is not permitted. *Notwithstanding any other provision of this paragraph, an enterprise shall not be characterized as a business organization and shall be excluded from taxation at the entity level if it is a qualified investment company as defined in RSA 77-A:1, XXI.* A partnership, estate, trust, "S" corporation, real estate investment trust, [regulated investment company,] or any other such entity, *other than a qualified investment company as defined in RSA 77-A:1, XXI*, whose net income is reportable by the true owners either directly or indirectly shall be subject to tax at the entity level, and no part of such earnings or loss shall be included in the calculation of the gross business profits of the owners of such entity.

10 Definitions; Business Profits Tax. Amend RSA 77-A:1, XII to read as follows:

XII. "Business activity" means a group of actions performed by a business organization for the purpose of earning income or profit from such actions and includes every operation which forms a part of, or a step in, the process of earning income or

profit from such group of actions. The actions ordinarily include, but are not limited to, the receipt of money, property, or other items of value and the incurring or payment of expenses. *Notwithstanding any other provision of this paragraph, a holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI, shall not be deemed to be carrying on any business activity within this state due solely to its holding an ownership interest in such qualified investment company.*

11 New Paragraph; Definition; Business Profits Tax. Amend RSA 77-A:1 by inserting after paragraph XX the following new paragraph:

XXI. "Qualified investment company" means a regulated investment company as defined in section 851 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX, or an organization that would be an investment company under the Investment Company Act of 1940, as amended, except for the exemption provided by section 3(c)(1) of said Investment Company Act, provided, however, a qualified investment company shall limit its activities to investment activities and those incidental to or in support of such activities and shall submit certification that it satisfies the requirements to be classified as a qualified investment company to the commissioner no later than 9 months subsequent to commencement of its investment activities. Upon petition, the commissioner may accept an untimely submission of such certification, which acceptance shall not be unreasonably withheld.

12 New Paragraphs; Additions and Deductions; Business Profits Tax. Amend RSA 77-A:4 by inserting after paragraph XIV the following new paragraphs:

XV. In the case of a business organization that is a holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI, an addition to gross business profits of an amount equal to the holder's proportional share of profits of the qualified investment company, computed as if the qualified investment company were a business organization subject to tax under RSA 77-A. Such a holder shall deduct from gross business profits that portion of actual distributions made to such holder by such qualified investment company that would otherwise be part of taxable business profits.

XVI. In the case of a business organization that receives assistance payments under 12 U.S.C. section 1823, a deduction from gross business profits of an amount equal to the sum of such assistance.

13 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill gives statutory recognition to and clarifies the treatment of investment trusts. At present, investment trusts are recognized only under New Hampshire common law. An investment trust is an organization which contains features of both partnership and corporate structures. It is managed by a trustee or trustees for the benefit of holders of interests in the trust. It is formed by the voluntary act of the parties and is based upon contract.

The secretary of state will oversee the certification of such trusts in New Hampshire and will collect all filing fees relevant to such certification.

This bill clarifies the tax treatment of qualified investment companies, as defined in this bill, and of holders of ownership interests in such qualified investment companies. This bill makes it clear that income will not be taxed at the entity level, but rather will be taxed at the true ownership level.

This bill also clarifies that for purposes of the interest and dividends tax and the business profits tax, qualified investment companies will not be taxed at the entity level; rather, holders of ownership interests in such investment companies who would otherwise be subject to the interest and dividends tax or the business profits tax are taxed on their proportional shares of the entity's income, as defined in this bill.

These proportional shares will be taxed regardless of whether the entity makes an actual distribution to the holder of the ownership interest.

The bill limits the activities of qualified investment companies to investment activities and clarifies the treatment, under the business profits tax, of business organizations receiving open bank assistance payments.

**SB 40**, making the pink lady's slipper the state wildflower. OUGHT TO PASS.

This bill designates the pink lady slipper as the state wildflower. The purple lilac retains its distinction as the state flower. Vote 16-0. Rep. Rick A. Trombly for Environment and Agriculture.

**SB 122-FN**, exempting certain solid waste districts from application fees. OUGHT TO PASS.

This bill provides relief to a district which because it applied to the Department of Environmental Services for a permit in October 1990, saw its fee increased abruptly from \$1,000 to \$17,000. The increase contradicted the Department's commitment to the district for a \$1,000 fee, and was solely the result of a new DES fee structure. Vote 17-0. Rep. Daniel M. Burnham for Environment and Agriculture.

Referred to Appropriations.

**SB 127-FN**, relative to removing vegetation obstructing advertising devices and planting lilac bushes. INEXPEDIENT TO LEGISLATE.

As passed by the Senate, this bill is identical to legislation defeated in the House earlier this session. An amendment proposed by an industry representative during hearings did not reverse the Committee's original view that removing trees along the state highway system is not in the broad public interest. Vote 16-0. Rep. Gregory L. Hanselman for Environment and Agriculture.

**SB 128-FN-A**, relative to the development of an electronic benefit transfer system and making an appropriation therefor. OUGHT TO PASS.

Senate Bill 128 requires the Division of Human Services of the Department of Health and Human Services to develop plans for and subsequently implement a system of distribution of human services benefits via electronic "credit" cards. The Division has shown exceptional initiative in formulating the groundwork for this study and significant improvements to clients and providers, as well as significant administrative savings, will be achieved. Vote 17-0. Rep. Gordon E. Wiggin for Health, Human Services and Elderly Affairs.

Referred to Appropriations.

**SB 172-FN-A**, establishing a committee to study the board and care rates for residents of enhanced family care facilities. RE-REFER TO COMMITTEE.

This bill establishes a legislative committee to study the method of determining board and care rates for residents of enhanced family care facilities (disabled or mentally impaired) and whether such rates should be increased. The Committee heard of the rate discrepancy between enhanced care facility (\$522 per month) and shared homes (\$640 per month). Rates have not changed for 10 years. As this was felt to be an important bill, it was re-referred in hopes of a better economic climate in the next

session. Vote 17-0. Rep. Bronwyn L. Asplund for Health, Human Services and Elderly Affairs.

**SB 26-FN.** relative to licenses to carry firearms. INEXPEDIENT TO LEGISLATE.

The handgun permit form, as provided by the Department of Safety, already provides a reasonable physical description of each permit holder, for inspection and identification by peace officers. The Committee felt that the great majority of New Hampshire handgun permit holders already did carry on their person an acceptable photo identification, at all times when away from their residences, and when carrying a handgun. Therefore, the Committee was of the opinion that additional legislation, on the identification of handgun permit holders, was not needed. Vote 15-0. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

**SB 144-FN-A.** relative to the Women's War Memorial and making an appropriation therefor. OUGHT TO PASS.

The monument to be erected at the entrance to Arlington National Cemetery, dedicated to the women who have served with distinction in the United States Armed Forces, is long overdue. It is unfortunate that only \$1 can be appropriated at this time as New Hampshire's contribution to the memorial. The State Veterans' Council is authorized to accept contributions from the public and private sector in furtherance of the memorial project. Vote 15-0. Rep. Eleanor M. Anderson for Public Protection and Veterans Affairs.

**SB 39-FN.** relative to reopening liquor stores. INEXPEDIENT TO LEGISLATE.

The Chairman of the New Hampshire Liquor Commission stated that the Commission was considering one of these locations for its first agency store and the other location addressed, while a profitable store, was part of the Commission's effort to consolidate and downsize the system to maximize profits. Vote 17-0. Rep. William J. Desrosiers for Regulated Revenues.

**SB 161.** relative to meetings of community associations. INEXPEDIENT TO LEGISLATE.

Since no one showed up to testify for or against this bill, and the Committee felt it important that all members of an association receive notice of meetings, it was deemed inexpedient. Vote 10-0. Rep. Patricia A. Hambrick for State Institutions and Housing.

### REGULAR CALENDAR

**SB 15.** relative to special identification of legislation that amends existing revenue statutes which send all or part of certain revenues to subdivisions of the state. OUGHT TO PASS WITH AMENDMENT.

This bill requires the word "local" to be placed on all legislation and amendments which may impact local revenues or expenditures. Vote 14-0. Rep. Jennifer G. Soldati for Legislative Administration.

### Amendment

Amend the title of the bill by replacing it with the following:



## AN ACT

relative to special identification of legislation that may have an impact on local expenditures or requires the state to forward all or part of any designated revenues to cities or towns and relative to mileage payments to members of the legislative ethics committee.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Legislation Impacting Local Revenues and Expenditures. Amend RSA 14 by inserting after section 47 the following new subdivision:

Legislation Impacting Local Revenues and Expenditures

14:48 Legislation Impacting Local Revenues and Expenditures. The word "LOCAL" shall be placed after each house and senate bill number of all legislation and all proposed amendments which may impact local expenditures or which require the state to forward all or part of any designated revenues to the cities or towns. The office of legislative services shall indicate whether new legislation affects revenue sharing statutes.

2 Legislative Ethics Committee; Mileage. Amend RSA 14-B:2, II to read as follows:

II. The first committee meeting shall be called within 60 days of the effective date of this chapter. The members shall elect a chairman at this meeting. The members shall serve for the biennium and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that [all] *legislative* members shall receive mileage at the legislative rate *and public members shall receive mileage at the state employee rate.*

3 Contingency. If SB 29-FN-A, "An act establishing a legislative ethics committee," becomes law, section 2 of this act shall take effect July 1, 1991, at 12:01 a.m. If SB 29-FN-A does not become law, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 2 of this act shall take effect as provided in section 3 of this act.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires that the word "LOCAL" appear after the bill number of all bills and amendments that impact local expenditures or that require the state to distribute all or part of any designated revenues to municipalities.

The bill also clarifies how mileage payments are to be made to the legislative and public members of the legislative ethics committee.

Adopted.

Report adopted.

Ordered to third reading.

**SB 100-FN**, relative to simulcast wagering. **OUGHT TO PASS WITH AMENDMENT.**

This bill was submitted at the request of the three dog tracks in the state. This bill, as amended, allows simulcast races to be conducted at the dog tracks intra-state, i.e. Rockingham races may be simulcast to Seabrook, Hinsdale and Belmont. The Committee felt that this was a "win win" situation for everyone. The tracks, the Racing

Commission, the horsemen, and the towns involved all testified in favor of the bill. Vote 17-0. Rep. Dana F. Kelley for Regulated Revenues.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Sale of Pari-Mutuel Pools. The introductory paragraph of RSA 284:22 is repealed and reenacted to read as follows:

During the calendar years of 1941-1999, a licensee under this chapter may sell pari-mutuel pools in accordance with this chapter and rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the racetrack where a licensed race or race meet is held or as provided in RSA 284:22-a. and not elsewhere. RSA 284:23 shall apply to the type of race on which wagers are made, whether live or simulcast.

2 New Section: Pari-Mutuel Pools on Simulcast Racing. Amend RSA 284 by inserting after section 22 the following new section:

284:22-a Pari-mutuel Pools on Simulcast Racing.

I. In this section:

(a) "State" means each state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the territory or possession of the United States.

(b) "Simulcast" means a licensee's receipt of the transmission of races conducted at a racetrack other than the licensee's racetrack and which races are exhibited simultaneously at the licensee's racetrack by television or other means of electronic reproduction with the conduct of such races at the point of origin and on which races the licensee sells pari-mutuel pools.

(c) "Licensee" means any individual, association, partnership, joint venture, corporation, or other organization or other entity which holds a license under RSA 284 to conduct a race meet.

II. During the calendar years 1941-1999, a licensee may sell pari-mutuel pools on races held at racetracks other than the racetrack at which the licensee conducts its race meet, provided:

(a) Such sales are within the enclosure of the racetrack at which the licensee holds a license for the current year to conduct live racing in this state;

(b) Wagers are made on races which are exhibited by television or other means of electronic reproduction at the licensee's racetrack simultaneously with the conduct of each such race at its point of origin;

(c) The licensee conducts live racing on the day on which the licensee simulcasts; and

(d) The licensee obtains the consents and approvals set forth in RSA 284:22-a, III.

III. A licensee may sell pari-mutuel pools on races held at other appropriately licensed racetracks, whether such racetracks are in the state of New Hampshire or outside the state of New Hampshire. A licensee may sell pari-mutuel pools under RSA 284:22-a on the same types of races that it conducts live at its racetrack with the approval of the commission. A licensee may sell pari-mutuel pools under RSA 284:22-a on types of races different from the type of races conducted live at the licensee's racetrack provided:

(a) The licensee obtains the approval of the commission; and

(b) The licensee shall have received city or town approval under RSA 284:17 to conduct the type of racing which is to be simulcast prior to or subsequent to the

effective date of RSA 284:22-a; the type of racing which is to be simulcast shall have been approved by the city or town in which the licensee's racetrack is located in accordance with RSA 284:17 prior to or subsequent to the effective date of RSA 284:22-a; or the acceptance of wagers or simulcast races of a type other than the type of racing which the licensee conducts live at its racetrack shall have been approved by a majority vote at an annual town meeting or special town meeting called for such purpose in the town in which the licensee's racetrack is located.

IV. Notwithstanding the provisions of RSA 284:22-a, II(c), a licensee may simulcast on a day on which live racing is scheduled at the licensee's racetrack, without conducting live racing provided that the live racing program is cancelled due to weather or other conditions which produce unsafe conditions at the racetrack of the licensee. The determination to cancel a live program based upon weather or the condition of the racetrack shall be made by the licensee, and notice of the cancellation shall be provided to the commission. The licensee, however, shall, in no event, simulcast on more than 10 days in each calendar year when it conducts no live racing as a result of the cancellation of the live program, pursuant to this paragraph.

V.(a) A licensee may sell pari-mutuel pools for simulcast races for races held at racetracks within the state of New Hampshire in accordance with RSA 284:22-a, II, within the enclosure of said licensee's racetrack or a licensee, with the written agreement with the licensee which conducts the race which is to be simulcast, may sell a common pari-mutuel pool in conjunction with the licensee which conducts the race which is to be simulcast. In the event of common pools, the licensee which conducts the race shall pay the tax required under RSA 284:23 for the portion of the common pool actually contributed at said licensee's racetrack and the licensee which simulcasts shall pay the tax due under RSA 284:23 for the portion of the common pool actually contributed at said licensee's racetrack.

(b) A licensee may sell pari-mutuel pools for simulcast races for races held at racetracks outside the state of New Hampshire in accordance with RSA 284:22-a, II, within the enclosure of said licensee's racetrack or said licensee, with the written agreement with the entity which conducts the race which is to be simulcast, may sell a common pari-mutuel pool in conjunction with the entity which conducts the race which is to be simulcast. In the event of such common pools, the commission shall be in the amount established by the law of the state in which the race to be simulcast is actually conducted, provided, however, the licensee shall pay the tax as provided under RSA 284:23.

VI. Racing officials, as defined in the rules adopted by the commission, any employee or owner of the entity which provides the totalizator system to the licensee, and any person responsible for the operation of the electronic reproduction equipment which receives the simulcast shall be prohibited from participating in wagering, directly or indirectly, on simulcast races shown at the licensee's racetrack.

VII. The provisions of RSA 284:15-c, RSA 284:16-a, RSA 284:16-c, RSA 284:17, RSA 284:17-a, and RSA 284:17-c shall not apply to simulcast and pari-mutuel pools under RSA 284:22-a, except as specifically provided in RSA 284:22-a.

VIII. RSA 284:22, I, II, III, and IV shall apply according to the type of race on which the simulcast wagers are made, excepting, however, interstate common pools as provided in RSA 284:22-a, V(b) and that the provisions made for purses made in RSA 284:22, I shall not apply to simulcast races. The commission on simulcast race pools shall be available to the simulcasting licensee to satisfy obligations to the racing

association originating such simulcast races or to the horsemen's group of such association.

3 Restriction on Gambling. Amend RSA 284:17-c to read as follows:

284:17-c Restriction on Gambling. Notwithstanding any other provision of law, except as provided *in RSA 284:22-a and* in the introductory paragraph of RSA 284:22, no licensee who holds running horse races shall at the same facility hold any other kinds of races or permit any other type of gambling except harness horse races and activities licensed by the sweepstakes commission.

4 Reference Added. Amend RSA 284:12, IV to read as follows:

IV. The sale of pari-mutuel pools as authorized under RSA 284:22 *and RSA 284:22-a.*

5 Powers and Duties of Commission. Amend RSA 284:6-a, III to read as follows:

III. The pari-mutuel commission shall have all the powers, duties, and rights conferred upon state commissions under the United States Interstate Horseracing Act of 1978 *as it currently exists and as it may be amended from time to time.*

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill allows racetrack licensees to simulcast races, different from the type of live races they conduct, with the approval of the city or town in which the licensees' track is located.

The bill also allows races to be simulcast which are conducted on tracks outside of New Hampshire, as well as within New Hampshire.

The bill also addresses the tax liabilities between the track at which a race is conducted and the track at which a race is simulcast.

Rep. Reidy spoke in favor.

Rep. Robert Kelley spoke in favor and yielded to questions.

On a division vote 285 members having voted in the affirmative and 17 in the negative, the amendment was adopted.

Rep. Nancy Ford offered a floor amendment.

#### Floor Amendment

Amend RSA 284:22-a, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) The licensee conducts live racing on the day on which the licensee simulcasts and the number of live races is greater than the number of simulcast races; and  
Rep. Nancy Ford spoke in favor and yielded to questions.

On a division vote, 184 members having voted in the affirmative and 140 in the negative, the amendment was adopted.

Report adopted.

Ordered to third reading.

#### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 30, 1991 at 1:00 p.m.

Adopted.



**LATE SESSION****Third reading and final passage**

**SB 52**, changing the name of the Federal Home Loan Bank Board to the Office of Thrift Supervision.

**SB 143**, extending time limits for condominium projects.

**SB 228-FN-A**, relative to the treatment of New Hampshire trusts and the open bank assistance program under the New Hampshire business profits tax.

**SB 40**, making the pink lady's slipper the state wildflower.

**SB 144-FN-A**, relative to the Women's War Memorial and making an appropriation therefor.

**SB 15**, relative to special identification of legislation that amends existing revenue statutes which send all or part of certain revenues to subdivisions of the state.

**SB 100-FN**, relative to simulcast wagering.

Rep. Ann Torr moved that the House stand in recess for the purpose of Enrolled Bill Reports only.

Adopted.

The House recessed at 1:55 p.m.

**RECESS**

**(Rep. Horton in the Chair)**

**ENROLLED BILL REPORT**

**HB 756**, relative to a victims' bill of rights.

Rep. Ann Torr, Sen. Carrier  
for the Committee

**RECESS**

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 20**

Tuesday, April 30, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairst.

Eternal God, who protected our ancestors and who will provide for our descendants, we thank You for Your creating and caring love for generation upon generation. Give us now, we pray, a sense of history so that we may learn from the past, a clear understanding of the present so that we may build upon it, and a bold vision of all the good the future could bring so that we may try to achieve it. Guide us in all that we say and do, that we may seek to do Your will. Amen.

Rep. Hurst led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Ackerman, Anderson, Conroy, Feuerstein, Parr, Swope, Coffey, Joscelyn, Asplund, Frechette, Splaine, Ann Bourque, Irene Pratt, Scanlan, Walsh and Drake, the day, illness.

Reps. Peters, Donald Messier, Holmes, Steiner, Roulston, Melnick and David Young (military service), the day, important business.

Rep. Pignatelli, the day, death in the family.

Rep. O'Brien, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Former Representative Alice Terrill Knight, guest of Rep. McNerney. Third grade classes from the Dondero School of Portsmouth, guests of Reps. Bell and Syracuse. Mark St. Cyr, guest of Reps. Nancy Ford and Raynowska. Donna McCain, wife of Rep. William McCain. Katherine and Christina Barnes, daughter and great granddaughter of Rep. Doucette. Jeanne Larochelle and Mr. and Mrs. Robert Lussier, wife and guests of Rep. Larochelle. William Davis, Jr., guest of Rep. Crutchley.

**ENROLLED BILLS REPORT**

**HB 114-FN**, relative to the date for terminating the motor vehicle emissions inspection program.

**HB 170-FN**, to provide immunity to the board of examiners of psychologists, its agents, investigators, and employees against civil actions resulting from disciplinary investigations and proceedings.

**HB 180-FN**, to establish a study committee to evaluate whether a consortium of all law libraries within the state of New Hampshire is economically feasible and practical.

**HB 255-FN**, establishing the New Hampshire foundation for mental health and the mental health foundation fund.

**HB 256**, limiting liability of any person, firm or corporation which donates equipment or services to any postsecondary technical training program.

**HB 259**, permitting a municipal governing body to assign street numbers.

**HB 292-FN**, relative to the real estate tax lien process.

**HB 313**, relative to conversion between mutual savings banks, cooperative banks, building and loan associations, guaranty savings banks, savings and loan associations, and commercial banks and trust companies.

**HB 368-FN**, naming the Parker L. Hancock building of the New Hampshire state prison.

**HB 396**, relative to filing reports in court proceedings involving children.

**HB 402**, relative to placing lime and wood ash on farmland.

**HB 407**, relative to failure to report injuries resulting from criminal acts.

**HB 454**, relative to safe deposit boxes.

**HB 465**, relative to a veterans' cemetery at the Pease Air Force facilities under the Pease development authority.

**HB 492-FN**, relative to conservation restriction assessments.

**HB 496-FN**, relative to administrative fines for marine pollution.

**HB 672-FN**, relative to standards for fire safety for community living facilities.

**HB 752-FN**, prohibiting merchants from requiring the recording of a credit card number or expiration date as a condition for check cashing or acceptance.

**HJR 3**, requesting the university cooperative extension service to continue to work with the governor's commission on the 21st century.

### ENROLLED BILLS AMENDMENTS

**SB 29-FN-A**, establishing a legislative ethics committee.

#### Amendment

Amend RSA 14-B:3, IV as inserted by section 1 of the bill by replacing line 10 with the following:

actions under subparagraph I(c) until these 3 legislative days have passed.

Amend RSA 14-B:4, IV as inserted by section 1 of the bill by replacing line 1 with the following:

IV. If following a probable cause finding under RSA 14-B:3, I(c), the

Amend RSA 14-B:4, V as inserted by section 1 of the bill by replacing line 1 with the following:

V. If following a probable cause finding under RSA 14-B:3, I(c), the

Amend RSA 14-B:5 as inserted by section 1 of the bill by replacing line 3 with the following:

well as guidelines referred to in RSA 14-B:3, II consistent with the

Amend RSA 14-B:3 as inserted by section 1 of the bill by replacing lines 1-2 with the following:

14-B:3 Duties.

1. The committee shall be authorized to:

(a) Issue interpretative rulings explaining and clarifying any

Amend RSA 14-B:3, II and III by renumbering the paragraphs as subparagraphs (b) and (c).

Amend RSA 14-B:3, IV as inserted by section 1 of the bill by renumbering the paragraph as paragraph II.

Adopted.

**HB 397-FN**, relative to persons afflicted with Alzheimer's disease.

#### Amendment

Amend the bill by renumbering the second section 2 to read as 3 and the original sections 3 and 4 to read as 4 and 5, respectively.

Adopted.

**HB 433**, establishing a developmentally delayed category.

**Amendment**

Amend RSA 186-C:2, I-a as inserted by section 1 of the bill by replacing line 5 with the following:

child must first be determined to have an educationally disabling

Adopted.

**HB 565-FN**, relative to marine oil spill response, oil spillage in surface waters or groundwaters and underground storage tanks.

**Amendment**

Amend section 2 of the bill by replacing it with the following:

2 New Paragraphs; Definitions Added. Amend RSA 146-A:2 by inserting after paragraph I the following new paragraphs:

I-a. "Discharge" or "spillage" means the release or addition of any oil to land, groundwater or surface water;

I-b. "Federal On-Scene Coordinator" means the federal official predesignated by the U.S. Environmental Protection Agency or the U.S. Coast Guard to coordinate and direct federal responses under subpart D, or the official designated by the lead agency to coordinate and direct removal under subpart E, of the National Contingency Plan;

I-c. "Groundwater" means subsurface water that occurs beneath the water table in soils and geologic formations;

I-d. "National Contingency Plan" means the National Contingency Plan prepared and published under section 311(d) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d), as amended by the Oil Pollution Act of 1990, Pub. L No. 101-380, 104 Stat. 484 (1990));

Amend the bill by deleting section 4 and renumbering the original sections 5-47 to read as 4-46, respectively.

Amend section 43 of the bill by replacing lines 1 and 2 with the following:

43 Strict Liability. Amend RSA 146-C:11, I to read as follows:

Adopted.

**SENATE MESSAGES****CONCURRENCE**

**HB 52**, relative to group health insurance participation by members of the general court.

**HB 278-FN**, relative to liability and indemnification of regional planning commissions.

**HB 398**, relative to determining qualifications of applicants to vote.

**HB 413-FN**, relative to penalties for insurance laws violations.

**HB 475-FN**, relative to appointment of banking department assistants, and to the performance of contract services by the banking department, and to assessing the costs of bank examinations.

**HB 484-FN**, relative to when electric companies are public utilities and affiliates of public utilities.

**HB 573**, relative to unauthorized insurance.

**HB 574-FN**, relative to managing general agents.

**HB 575**, relative to liquidation and rehabilitation of insurance companies.

**HB 580**, relative to insurance rebates and automobile financing.

**HB 589-FN**, relative to holding companies.



**HB 638-FN**, relative to credit for reinsurance.

**HB 692-FN**, relative to reinsurance intermediaries.

**CACR II**, relative to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year but that other juries shall consist of 6 persons.

### CONCURRENCE WITH AMENDMENTS

**SB 15**, relative to special identification of legislation that may have an impact on local expenditures or requires the state to forward all or part of any designated revenues to cities or towns and relative to mileage payments to members of the legislative ethics committee.

**SB 143**, extending time limits for condominium projects.

**SB 228-FN-A**, relative to the treatment of New Hampshire investment trusts and the open bank assistance program under the New Hampshire business profits tax.

### NONCONCURRENCE

**HB 455**, relative to determination of amount of alimony awards.

**HB 635-FN**, authorizing the house judiciary committee to study misdemeanors and misdemeanor sentencing.

**HB 659-FN**, relative to legal representation in eviction proceedings.

**HCR 7**, adopting a bill of rights for children.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 213-FN**, relative to rates set for medicaid and the administrative procedure act. (Amendment printed SJ 15, 4/2/91)

Rep. Robert Foster moved that the House concur.

Adopted.

**HB 244-FN**, establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory and punitive damages. (Amendment printed SJ 18, 4/18/91)

Rep. Kidder moved that the House concur.

Adopted.

**HB 319-FN**, establishing a committee on access to health care. (Amendment printed SJ 15, 4/2/91)

Rep. Robert Foster moved that the House concur.

Adopted.

**HB 335**, relative to license plates for antique motor cars. (Amendment printed SJ 16, 4/9/91)

Rep. Haynes moved that the House concur.

Adopted.

**HB 452-FN**, relative to solicitation of prostitutes. (Amendment printed SJ 18, 4/18/91)

Rep. Martling moved that the House concur.

**HB 460-FN**, relative to the health data advisory committee. (Amendment printed SJ 16, 4/9/91)

Rep. Robert Foster moved that the House concur.

Adopted.

**HB 481-FN**, allowing nursing home administrators to file for disposition of a deceased individual's estate. (Amendment printed SJ 16, 4/9/91)

Rep. Martling moved that the House concur.

Adopted.

**HB 490-FN**, relative to continuation of state health and dental insurance benefits for state employees called for active duty as a result of Operation Desert Storm. (Amendment printed SJ 16, 4/9/91)

Rep. Kidder moved that the House concur.

Adopted.

**HB 530-FN**, relative to marital arbitration. (Amendment printed SJ 18, 4/18/91)

Rep. Martling moved that the House concur.

Adopted.

**HB 567**, relative to step-parent's visitation rights. (Amendment printed SJ 18, 4/18/91)

Rep. William McCain moved that the House concur.

Adopted.

**HB 428-FN**, relative to the enforcement and administration of state taxes by the department of revenue administration. (Amendment printed SJ 17, 4/16/91)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Donna Sytek, Crutchley, Nichols and LaMar.

### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

**SB 100-FN**, relative to simulcast wagering.

The President appointed Sens. Blaisdell, Colantuono and Delahunty.

Rep. Robert Kelley moved that the House accede.

Adopted.

The Speaker appointed Reps. Robert Kelley, William Desrosiers, Simon and Reidy.

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 156-FN-A**, establishing a committee to study the SAU structure within the state of New Hampshire and making an appropriation therefor, was removed at the request of Rep. Jacobson.

Consent Calendar adopted.

**SB 13**, relative to transferring funds between and among line items in the postsecondary technical education department. (A) OUGHT TO PASS.

This bill allows necessary flexibility in the Postsecondary Technical Education budget. Any fiscal impact will be positive. Vote 15-0. Rep. Elizabeth S. Hager for Appropriations.

**SB 178**, transferring certain account balances to the joint legislative account. OUGHT TO PASS.

This is a housekeeping bill to lapse three old accounts which are no longer used; total amount in them is \$7,038.30. Vote 20-0. Rep. Elizabeth S. Hager for Appropriations.

**SB 1**, relative to the senate committee which is to study redistricting state senate districts. OUGHT TO PASS.

Senate Bill 1 authorizes the Senate study committee on redistricting to recommend legislation which may be necessary for the 1992 Session to establish Senate district lines in accordance with the 1990 federal census. In addition, the Senate study committee is instructed to send a notice to each city clerk stating that if boundaries are to be redrawn, the process should be completed no later than September 15, 1991. Rep. Carol H. Holden for Constitutional and Statutory Revision.

**SB 2**, relative to the senate committee which is to study redistricting congressional districts. OUGHT TO PASS.

This bill authorizes a Senate study committee on redistricting of the Congressional districts. Vote 13-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

**SB 195-FN**, relative to campaign expenditure limitations. OUGHT TO PASS WITH AMENDMENT.

This bill makes the law apply to candidates who intend to have their name on the state general election by means of petition. Current law only applies to candidates who are nominated in their party primary and to write-in candidates. The bill also changes the membership on the Advisory Committee which Monitors Campaign Financing statutes to include a member appointed by the Governor. It also establishes a minimum filing fee and primary petition requirements and adds a new definition of expenditures. Vote 12-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose. Amend 1989, 212:1, IV to read as follows:

IV. Unimpeded access to the ballot is crucial to the realization of the constitutional guarantee of a representative form of government. The philosophical basis for democracy is the equal opportunity to participate. Greater participation increases effective representation, preserving the political power guaranteed to the people by the constitution. Expenditure limitations will allow greater ballot access, freer competition of ideas through individual speech and interaction, and more competitive campaigns. Voluntary compliance with expenditure limitations will help provide greater ballot access, which by its nature is necessary to and a part of the election process. *In further recognition of the state's traditional role in regulating ballot access and candidate qualifications, the general court finds that these objectives can be accomplished by the voluntary procedure set forth herein.* The general court finds that these objectives can be accomplished by campaign expenditure limitations.

2 Filing Declaration of Intent with Secretary of State. Amend RSA 655:14-a to read as follows:

655:14-a Filing by Other Candidates. Every candidate for state or federal office who intends to have his name placed on the ballot for the state general election by

means other than nomination by party primary shall file a declaration of intent with the [appropriate official] *secretary of state* as provided in RSA 655:17-a or RSA 655:17-b during the same time period in which party candidates file a declaration under RSA 655:14.

3 Filing Fees for all Candidates. RSA 655:19 is repealed and reenacted to read as follows:

655:19 Filing Fees.

I. At the time of filing declarations of candidacy, each candidate for the following offices shall pay to the official with whom the declarations are filed the following filing fees, and shall file with the appropriate official the requisite number of primary petitions as provided in RSA 655:20 and 655:22, unless the candidate agrees to limit his expenditures in accordance with RSA 664:5-a. At the time of filing declarations of intent, each candidate for the following offices shall pay to the secretary of state the following filing fees, and the following filing fees shall be paid in addition to the requisite number of nomination papers which must be submitted and filed. The filing fee paid under this section shall be in addition to the administrative assessment paid under RSA 655:19-c. The filing fees shall be as follows:

(a) For governor, United States senator, and representative to Congress, \$5,000.

(b) For executive councilor, \$500.

(c) For county officer, \$100.

(d) For state senator, \$100.

(e) For state representative, \$25.

II. The fees paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The fees paid to the secretary of state shall be deposited by him in the general fund.

4 Reference to Filing Declaration of Intent. Amend RSA 655:19-b to read as follows:

655:19-b Waiver of Filing Fee *and Primary Petitions*.

I. A candidate for any of the offices enumerated in RSA 655:19 who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b shall have the filing fee *under RSA 655:19* either waived or refunded, *and shall have the requirement for filing petitions under RSA 655:20 waived*, as provided in paragraph II.

II. If a candidate files the affidavit as specified in RSA 664:5-a at the time he files the declaration of candidacy *or declaration of intent*, the filing fee *required under RSA 655:19 and the petitions required to be filed under RSA 655:20* shall be waived. If such affidavit is filed within [10] 3 days following the filing of the declaration of candidacy, the appropriate officer shall refund the filing fee paid by the candidate as soon as practicable.

5 New Section: Administrative Assessment and Primary Petitions. Amend RSA 655 by inserting after section 19-b the following new section:

655:19-c Administrative Assessment; Primary Petitions; Nomination Papers.

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III in addition to the filing fee and primary petition requirements of RSA 655:19 and 655:20. Candidates for governor,



United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I in addition to the filing fee required by RSA 655:19 and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b. At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

- (a) For governor and United States senator, \$100.
- (b) For representative to Congress, \$50.
- (c) For executive councilor, \$25.
- (d) For state senator, \$10.
- (e) For county officer, \$10.
- (f) For state representative, \$2.

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by him into the general fund.

III. Any person otherwise qualified to run for office who chooses not to pay the administrative assessment as prescribed in paragraph I may have his name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

6 Filing Primary Petitions. Amend RSA 655:20, II to read as follows:

II. Any person qualified to run for office who does not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitation set forth in RSA 664:5-b shall, in order to have his name printed on the primary ballot of any party, in addition to the filing fees prescribed in RSA 655:19, file with the appropriate official the requisite number of primary petitions *required under RSA 655:22* made by members of the party, together with one written assent to candidacy. *Primary petitions filed under this section shall be filed in addition to the requirement for filing petitions under RSA 655:19-c.*

7 Filing Number of Petitions. Amend RSA 655:22 to read as follows:

655:22 Number of Petitions. The number of primary petitions to be filed for each office under RSA 655:20 shall be as follows: for governor and United States senator, 2,000; for representative in Congress, 1,000; for executive councilor, *500; for* county officer, *100; [and] for* state senator, [500] *100*; for state representative, [20] *10*. Candidates for delegate to the state convention shall not be required to submit any primary petitions. *The provisions of this section shall apply to candidates who do not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b. Primary petitions filed under this section shall be in addition to the number of petitions filed under RSA 655:19-c.*

8 Application of Excess Campaign Contributions Restrictions to Congressional Elections. Amend RSA 664:1 to read as follows:

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, but shall not apply to presidential preference primaries. The provisions relating to political advertising, RSA 664:14 through 17-a, shall additionally apply to city, town, school district and village district elections. The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, [and excess campaign contributions, RSA 664:4-c.] shall additionally apply to elections for United States senator and representative to Congress.

9 Expenditure Redefined. Amend RSA 664:2, IX to read as follows:

IX. "Expenditure" shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future *for the purpose of influencing the nomination for election or election of any candidate*. It does not include the candidate's filing fee or his expenses for personal travel and subsistence.

10 Reference to Declaration of Intent. Amend RSA 664:5-a, III to read as follows:

III. Affidavits in compliance with this section shall be filed within [10] 3 days after the date on which a candidate files his declaration of candidacy *or his declaration of intent*, or is declared a write-in winner of a primary election.

11 New Paragraph; Political Expenditures for Primary and General Elections. Amend RSA 664:5-b by inserting after paragraph V the following new paragraph:

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, total expenditures shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on his behalf by his committee or committees, his party, and his immediate family. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

12 Advisory Committee; Additional Member. Amend RSA 664:5-c, II to read as follows:

II. The committee shall consist of the secretary of state, *who shall be an ex officio and nonvoting member*, and [4] 5 other members: one person appointed by the house majority leader; one person appointed by the house minority leader; one person appointed by the senate majority leader; [and] one person appointed by the senate minority leader; *and one person appointed by the governor*.

13 Signature of Treasurer of Political Committee. Amend RSA 664:14, I and II to read as follows:

I. All political advertising shall be signed at the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the [secretary] *treasurer* of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it. Said signature shall clearly designate the name of the candidate, party or political committee by or on whose behalf the same is published or broadcast.

II. Political advertising to promote the success or defeat of a measure by a partnership, corporation, labor union, or other organization shall be signed. The name of such organization shall be indicated and the chairman or [secretary] *treasurer* of such organization shall sign his name and address. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

14 Section Heading Changed. The section heading for RSA 664:21 is repealed and reenacted to read as follows:

664:21 Penalty for Exceeding Total Expenditure Limitation.

15 Power of Attorney General. RSA 664:21, III is repealed and reenacted to read as follows:

III. Nothing in this section shall be construed to limit the enforcement powers of the attorney general under RSA 664:18.

16 New Section; Severability. Amend RSA 664 by inserting after section 22 the following new section:

664:23 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect any other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

17 Repeal. 1989, 212:1, VI, relative to a declaration of purpose and changes in federal law, is repealed.

18 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill amends the law on campaign expenditure limitations.

The bill makes it apply to candidates who intend to have their names placed on the state general election ballot by means of primary petitions or nominating petitions. The current law only applies to candidates who are nominated in their party primary, and to write-in candidates.

The bill also:

(1) Changes the membership on the advisory committee which monitors campaign financing statutes.

(2) Requires a candidate who does not voluntarily accept expenditure limitations to pay both a filing fee and to file primary petitions.

(3) Establishes minimum filing fee and primary petition requirements, regardless of whether a candidate voluntarily accepts expenditure limitations.

(4) Adds a new definition for "expenditures".

**SB 212-FN-A**, establishing a committee to study the method of sweepstakes revenue distribution. INEXPEDIENT TO LEGISLATE.

House Bill 341 will be used as a vehicle to accomplish the aims of this Senate Bill so there will be no need for both bills. Vote 20-0. Rep. Nils H. Larson for Education.

**SB 24**, relative to revising the administrative procedure act. OUGHT TO PASS.

This legislation creates two alternate members for the House and Senate to serve on the Administrative Rules Committee. There is, and continues to be, a demonstrated need for this legislation. Vote 15-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

**SB 192-FN-A**, relative to the office of chief medical examiner. OUGHT TO PASS.

This legislation meets a demonstrated need for the state's responsibility concerning autopsies and other related matters. This is must legislation. Vote 15-0. Rep. Kathleen W. Ward for Executive Departments and Departments.

Referred to Appropriations.

**SB 72-FN-A**, establishing and continually appropriating a fund for the purchase of vaccines. OUGHT TO PASS.

This bill establishes a continual fund to be used by the Public Health Services for the purchase of vaccines, antitoxins, serums and immunizing agents in the effort to decrease the incidence of measles, mumps, rubella and hemophiliac influenza. This bill is important in preventing serious outbreaks of childhood diseases in our state. Most of the funding for this program will be underwritten by Health Maintenance organizations and Blue Cross/Blue Shield. Vote 18-0. Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs.

Referred to Appropriations.

**SB 70-FN**, relative to superior court clerks for Hillsborough county. OUGHT TO PASS.

The Committee supports and authorizes the appointment of two (2) Superior Court Clerks for Hillsborough - funding was passed last year. This is needed to open the new Nashua Courthouse. Vote 17-0. Rep. Alice B. Record for Judiciary.

**SB 71-FN-A**, relative to superior court justices. OUGHT TO PASS.

This bill authorizes the addition of four new Superior Court Justices to the 24 now on the bench. These positions are essential; without them new courthouses cannot function. No funding is provided in the bill, but the authorization should pass in the hope that money can be found. Vote 17-0. Rep. Peter Hoe Burling for Judiciary.

Referred to Appropriations.

**SB 82**, relative to powers of directors, officers, and trustees of health service corporations. OUGHT TO PASS.

The Committee supports this appropriate extension of the existing law to health organizations covered by RSA 420:A. This will allow Blue Cross/Blue Shield to indemnify officers and directors against personal losses arising out of civil actions incident to their actions on behalf of the organization. Vote 16-1. Rep. Alice B. Record for Judiciary.

**SB 109-FN**, relative to the time for holding the 1991 Newmarket town meeting. OUGHT TO PASS.

This bill authorizes the town of Newmarket to hold its 1991 annual meeting on the second Tuesday of May, rather than on the second Tuesday of March. Vote 15-0. Rep. Thomas B. Salatiello for Municipal and County Government.

**SB 4-FN-A**, establishing a committee to study the New Hampshire state port authority. OUGHT TO PASS WITH AMENDMENT.

The Senate amended SB 4 to provide for a nine-member committee to further study the New Hampshire Port Authority. A number of questions have arisen regarding the Port Authority and both the Senate and the Public Works Committee agree that the study is necessary at this time. The Committee amendment allows the Authority to make arrangements with foreign port entities for the interchange of business and changes the effective date to allow the study to begin upon passage. Vote 13-0. Rep. Roland A. Frechette for Public Works.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to study the New Hampshire state  
port authority and relative to international trade.



Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Port Authority Business with Foreign Countries. Amend RSA 271-A:3, I to read as follows:

I. Have the authority to make all necessary arrangements with other port authorities of other states and federal departments [and], agencies, *and foreign countries and their port entities* for the interchange of business, and for such other purposes as will facilitate and increase the commerce of the ports, harbors, and tidal navigable rivers of the state.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill creates a committee to study the New Hampshire state port authority including, but not limited to, a cost-benefit analysis of a capital investment to expand the port and the feasibility of merging the New Hampshire state port authority with the Pease development authority.

This bill also authorizes the port authority to make all necessary arrangements with foreign countries and their port entities for the interchange of business.

**SB 55-A**, relative to replacing the Warren Bridge on New Hampshire Route 25. **ought to pass.**

This bridge is the scene of an unfortunate accident in which two State Troopers and a passenger were killed. It is on an S Turn and a new bridge would straighten out the highway creating a much safer highway. This bill adds this bridge to the 10-year highway plan. Vote 12-0. Rep. William J. Driscoll for Public Works.

Referred to Appropriations.

**SB 162-A**, relative to rebuilding, modernizing, and maintaining rail properties and making an appropriation for the Conway branch line. **RE-REFER TO COMMITTEE.**

The motivation behind this bill is to promote economic development. Because the owners of the rail, Guilford Transportation, are facing economic difficulties themselves, they have been unwilling to put resources into upgrading the line. However, recent contact with the company by Senator Dupont, the sponsor, have been fruitful. He has recommended re-referral while more dialogue takes place. Vote 17-0. Rep. Sandra B. Keans for Public Works.

**SB 123-FN**, relative to the wine industry of New Hampshire. **ought to pass.**

Three years ago, the Liquor Commission asked that exact percentages be set defining what domestic wine was. The Legislature gave the Commission what it asked for, a set figure of five percent New Hampshire grape content. Apparently, this percentage was not what was needed. More grapes were needed. The Commission and the industry have worked out the percentages and the Committee, by a vote of 15-0, endorsed this arrangement. It hopes that the Legislature won't be called on again about this issue. Rep. Thomas A. Behrens for Regulated Revenues.

**SB 152**, relative to a joint New Hampshire-Quebec trade council. **ought to pass with amendment.**

This bill authorizes the Commissioner of Resources and Economic Development and Secretary of State to establish a New Hampshire trade council to meet with trade

councils established by the Canadian provinces. Vote 12-0. Rep. Lawrence J. Guay for State-Federal Relations.

#### Amendment

Amend RSA 12-A:2-e as inserted by section 1 of the bill by replacing it with the following:

12-A:2-e New Hampshire-Canadian Trade Council. The commissioner of resources and economic development and the secretary of state shall have the authority to establish a New Hampshire trade council to meet with one or more trade councils established by the Canadian provinces, either separately or collectively. The members of the council shall include 2 senators, 2 house members, the commissioner or his assignee, the secretary of state or his assignee, and such other members as the commissioner and secretary of state may appoint.

#### AMENDED ANALYSIS

This bill authorizes the commissioner of resources and economic development and the secretary of state to establish a New Hampshire trade council to meet with trade councils established by the Canadian provinces.

**SB 25-FN**, relative to obtaining out-of-state driving records. OUGHT TO PASS.

This bill will require the Director to certify and provide the out-of-state driving records upon receipt of a request from a law enforcement agency. This will assist in the prosecution of serious offenses for effective law enforcement. Vote 13-0. Rep. Kenneth W. Malcolm for Transportation.

**SB 106-FN**, relative to anatomical gifts. OUGHT TO PASS.

After hearing testimony, it was the unanimous opinion of the Committee that this bill would be beneficial especially as an educational aid in alerting the public about becoming organ donors. Vote 16-0. Rep. Brenda E. Keith for Transportation.

**SB 112-FN**, relative to license plates for firefighters. INEXPEDIENT TO LEGISLATE.

This bill has appeared in many similar forms over the last few sessions, and while the idea to honor firemen is a worthy cause and has great merit, it should not be done this way. At the hearing on this bill, no firemen came to testify in support of it. The Committee felt that it should be consistent and therefore voted 12-0 Inexpedient to Legislate. Rep. Andrew Christie, Jr. for Transportation.

#### REGULAR CALENDAR

**SB 7-FN-A**, relative to an industrial research center at the university of New Hampshire. OUGHT TO PASS WITH AMENDMENT.

This bill establishes an Industrial Research Center within the University of New Hampshire to improve the technological base of New Hampshire industry via research projects, jointly funded by the state and industry on a matching basis, thereby increasing its competitiveness. The bill appropriates \$500,000 from the New Hampshire Development Fund in FY '92 and '93 for the center. The money has already been appropriated in House Bill 50. Vote 19-0. Rep. Arthur B. Corte for Education.

#### Amendment

Amend the bill by replacing section 1 with the following:

I New Subdivision; Industrial Research Center Established. Amend RSA 187-A by inserting after section 29 the following new subdivision:

### Industrial Technology Research and Innovation Center

187-A:30 Purpose. To promote the economic well being of its citizens, the general court finds it desirable to establish an industrial research center at the University of New Hampshire for the purpose of providing a mechanism to promote applied and basic research and technological transfer to support the New Hampshire industrial and business community. This center will provide the means for improving the competitiveness of New Hampshire industry and the upgrading and development of new and old products through the support and cooperation of the state with industry and business. The supported research, innovation and technology transfer activities will preserve and increase the number of jobs in New Hampshire.

187-A:31 Grant Program. To carry out the purposes of this subdivision the department of resources and economic development shall enter into a grant program with the university of New Hampshire to establish a Center for Industrial Technology Research and Innovation at the Durham campus. Through the grant program, the center shall provide applied and basic research capability and technology transfer in support of New Hampshire's industrial and business community. To be eligible for the grant program, businesses and industries must have an ongoing business within the state or an announced intention to locate a business in the state.

### 187-A:32 Oversight Committee; Membership; Duties.

I. An oversight committee is hereby established to oversee the operations of the center. The committee shall consist of the following members:

(a) The commissioner of the department of resources and economic development, or his designee.

(b) One member of the house, appointed by the speaker of the house.

(c) One member of the senate, appointed by the president of the senate.

(d) The dean of the college of Engineering and Physical Sciences.

(e) The university's vice president for research.

(f) Five members representing business and industry, 3 of whom shall represent small and medium sized businesses, appointed by the governor.

II. The members of the committee appointed by the governor shall serve 3-year staggered terms. The terms of office for other members of the committee shall be co-terminous with the term of office in the position that qualifies that member to be a member of the committee.

III. The committee, in consultation with the board of trustees, shall establish criteria and procedures relative to the general operation of the center. Such criteria shall include, but not be limited to, the following:

(a) Administrative leadership for the center.

(b) Submission, acceptance and awarding of proposals for funding.

(c) Cooperative agreements with neighboring states.

IV. The officers of the committee shall be selected by the committee from its membership.

V. The committee shall coordinate and cooperate with the appropriate state agencies.

187-A:33 Funding. Any center project utilizing state appropriations shall match state funds at least dollar for dollar with funds generated by the center from the net income of any of the following operations of the center; the center's research clients; profit and nonprofit organizations; the federal government; or local political subdivisions. In kind and equipment contributions may be accepted as matching funds under criteria established by the committee.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 149-FN-A**, relative to reimbursing a certain school cooperative for certain expenses and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, would authorize the payment of the reimbursement expenses as provided in RSA 195-A:15 for these two districts which qualify for payment and repeals the program effective on the completion of these outstanding obligations. The Fiscal Note calls for state expenditures of \$11,000 in 'FY 1991. Vote 19-0. Rep. Nils H. Larson for Education.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to reimbursing certain school cooperatives for certain expenses and making an appropriation therefor.

Amend the bill by replacing all after section 1 with the following:

2 Appropriation. The sum of \$6,000 is hereby appropriated to the Pemi-Baker regional school district in Plymouth for the fiscal year ending June 30, 1991. The appropriation is for the purpose of reimbursing the school for expenses incurred in converting an area school plan to a cooperative school district pursuant to RSA 195-A:15, II. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Applicability. The repeal of RSA 195-A:15, II in section 4 of this act shall not affect the reimbursements to be made with the sums appropriated in sections 1 and 2 of this act.

4 Repeal. RSA 195-A:15, II, relative to reimbursement for conversion to a cooperative school district, is repealed.

5 Effective Date.

I. Sections 1-3 of this act shall take effect upon its passage.

II. Section 4 of this act shall take effect at 12:01 a.m. of the date of its passage.

#### AMENDED ANALYSIS

This bill appropriates \$5,030 to the Hollis-Brookline cooperative school district and \$6,000 to the Pemi-Baker regional school district for expenses incurred in converting area plans into cooperative school districts pursuant to RSA 195-A:15, II.

This bill also repeals the provision that reimburses schools for expenses incurred in converting to a cooperative school district in future conversions.

Adopted.

Report adopted.

Referred to Appropriations.

**SCR 1**, relative to L-Tryptophan. OUGHT TO PASS.

This resolution urges the United States Congress to hold hearings on the issue of L-Tryptophan, a benign dietary supplement. The Federal Drug Administration does not regulate L-Tryptophan since it is a health substance. However, a large number of people have severe health problems as a consequence of taking this dietary supplement. There has been a severe problem with one manufacturer, which has caused 29



deaths, and this particular manufacturer has made no effort to offer any type of compensation or to submit medical statements to the victims of EMS (Eosinophilia Myalgia Syndrome), a rare and deadly blood disorder. Vote 17-1. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Adopted.

Ordered to third reading.

**SB 66**, relative to durable power of attorney for health care. **OUGHT TO PASS.**

The Committee felt the bill was well drafted, and represented an extraordinary work product reached after years of work. Vote 15-3. Rep. Peter Hoe Burling for Judiciary.

Rep. Daniels spoke against.

Rep. Burling spoke in favor and yielded to questions.

Adopted.

Ordered to third Reading.

Reps. Daniel Healy and Frances Riley notified the Clerk that they wished to be recorded in opposition to SB 66.

**SB 81**, relative to damages for wrongful death. **RE-REFER TO COMMITTEE.**

This bill, on elements of damage in wrongful death cases, presented the Committee with issues of immense complexity. It became obvious in the course of Subcommittee deliberations that much more work will have to take place before the Committee can vote on this with comprehension and a clear sense of purpose. Vote 12-6. Rep. Peter Hoe Burling for Judiciary.

Re-referred to Committee.

**SB 91**, relative to the disclosure of discoverable materials in product liability actions. **INEXPEDIENT TO LEGISLATE.**

The majority of the Committee felt that this bill is not necessary. Current court rules on discovery are more than adequate, if a problem exists with discovery it is best addressed through court rules and procedures. Vote 16-2. Rep. Patricia R. Dwyer for Judiciary.

Adopted.

**SB 210-FN**, relative to drugged driving and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The amended bill reduces an original appropriation request of \$547,164 from the highway fund for the biennium, to one of \$240,000 from the general fund for the fiscal year ending June 30, 1992, said funds to be used to continue a toxicology program that trains law enforcement personnel to test for controlled substances in persons suspected of driving while impaired. Removed from the bill, for further study, clarification and re-drafting was language authorizing implementation of such enforcement procedures relative to driving while impaired by controlled drugs as criminal charges, license revocation, implied consent procedures relative to the administrative handling of test results, informed consent and constitutional rights. The Committee's intent is to deal with these issues in other legislation during the session beginning in January, 1992. Vote 16-2. Rep. Robert A. Lockwood for Judiciary.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Positions. The commissioner of the department of health and human services is authorized to hire a laboratory scientist II, a laboratory scientist III, and a secretary-typist II to be located in the division of public health services.

2 Forensic Toxicologist Salary. Amend RSA 94:1-a, I by inserting in group N: forensic toxicologist.

3 Appropriation. The sum of \$240,000 for the year ending June 30, 1992, is hereby appropriated to the division of public health services of the department of health and human services for the purposes of sections 1-2 of this act. This appropriation shall be in addition to any other appropriations made to the division of public health services of the department of health and human services for the biennium. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1991.

### AMENDED ANALYSIS

The bill authorizes the commissioner of the department of health and human services to hire for the division of public health services 2 laboratory scientists and a secretary-typist and creates the position of forensic toxicologist within the division. The bill makes an appropriation to the department.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 21**, establishing a commission to study and recommend the elimination of state-mandated programs. RE-REFER TO COMMITTEE.

The subject of "mandates" is of the greatest interest to all echelons of state government and political subdivisions. With this in mind, the Committee felt that SB 21 had merit in securing grass roots information on the extent of mandates at the lower levels of government.

The bill needs extensive review and revision to accomplish this purpose and referral to this Committee is considered to be the best solution. Vote 10-2. Rep. Richardson D. Benton for Legislative Administration.

Re-referred to Committee.

**SB 180-FN**, relative to the hearings process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals. OUGHT TO PASS WITH AMENDMENT.

This bill had some problems as it came from the Senate. The Board of Tax and Land Appeals and the sponsor agreed to the changes made by the Committee. Vote 15-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

### Amendment

Amend RSA 76:16, II as inserted by section 3 of the bill by replacing it with the following:

*II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and grant or deny the application in writing within 6 months after notice of such tax, and failure to do so shall constitute a denial. "Notice of such tax" is defined in RSA 76:16-a, I.*

Amend the bill by replacing section 4 with the following:

4 Information Required in Appeal Following Failure to Abate Taxes. Amend RSA 76:16-a, I to read as follows:

I. [If] *After* the selectmen neglect or refuse to so abate, *in accordance with RSA 76:16*, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$40 filing fee, may, within [6] 8 months after notice of such tax, and not afterwards, apply in writing to the board of tax and land appeals which, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. "Notice of such tax" means the date the department of revenue administration determines to be the last date of mailing of tax bills by the taxing district. *The person aggrieved shall state in its appeal to the board either the date of the municipality's decision on the RSA 76:16 application, or that 6 months has passed since the notice of the tax and that the municipality failed to issue a decision in accordance with RSA 76:16.*

Rep. Grodin spoke in favor.

Adopted.

Rep. Grodin offered a floor amendment.

#### Floor Amendment

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-6 to read as 6 and 7 respectively:

5 Time for Petition to Superior Court. Amend RSA 76:17 to read as follows:

76:17 By Court. If the selectmen neglect or refuse so to abate, any person aggrieved, having complied with the requirements of RSA 74, may, in lieu of appealing pursuant to RSA 76:16-a, within [6] 8 months after notice of the tax apply by petition to the superior court in the county, which shall make such order thereon as justice requires.

Rep. Grodin spoke in favor

Adopted.

Report adopted.

Referred to Appropriations.

**SB 19-FN**, establishing penalties and fines for use of blue lights by any person other than a certified police officer. **OUGHT TO PASS WITH AMENDMENT.**

The use of blue colored lights on privately-owned vehicles (POV) must be closely controlled, so as to preclude the possibility of such lights being used in criminal acts. Senate Bill 19 does just that, and the amendment makes significant changes to clarify and strengthen the bill.

The terminology of "certified police officer" is changed to that of "law enforcement officer" inasmuch as municipalities routinely engage law enforcement officers prior to their "certification" by the Police Standards and Training Council. The amendment clearly establishes that blue lights shall be used only on municipal police department vehicles or privately-owned vehicles of law enforcement officers who are actively engaged in police department activities. Lastly, the amendment establishes severe additional penalties in cases where privately-owned vehicles with blue lights have been utilized in the commission of a crime. Vote 8-6. Rep. David A. Welch for Public Protection and Veterans Affairs.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing penalties and fines for use of blue lights by  
any person other than a law enforcement officer.

Amend RSA 266:74 as inserted by section 1 of the bill by replacing it with the following:

**266:74 Emergency Lights.**

**I.** It shall be unlawful for any motor vehicle equipped with an emergency light to be driven on the ways of the state. This provision shall not apply to vehicles of *any* law enforcement *agencies or* officers, forestry departments, fire departments, volunteer ambulance drivers, volunteer members of fire departments, state, city or town highway or public works departments, public utilities, wreckers, public or private ambulances, private snow removal vehicles, emergency highway service vehicles, postal service vehicles, and such other vehicles as determined by the director. Emergency lights shall not be in operation except during an emergency, and in the case of private snow removal vehicles, while such vehicle is actively in use in snow removal, and, in the case of postal service vehicles, while such vehicle is actively engaged in delivering mail.

**II.** Blue colored lights shall only be used on law enforcement vehicles *operated by law enforcement officers*. When blue colored lights are installed on a private vehicle belonging to a law enforcement officer, such lights shall be covered when the vehicle is being driven by someone other than a law enforcement officer. *The display or use of blue colored motor vehicle lights by any person who is not an employed full-time or part-time police officer shall be prohibited.*

**III.** The director by rule adopted pursuant to RSA 260:5 shall determine the location, color, and method of use of emergency lights.

**IV.** *Any person who is convicted of a violation of this section shall:*

*(a) Notwithstanding the provisions of title LXII:*

*(1) For a first offense, be guilty of a violation and fined not less than \$250 nor more than \$500.*

*(2) For a second or subsequent offense, be guilty of a misdemeanor and fined not less than \$500 nor more than \$1,000.*

*(b) If a resident of this state, have his driver's license or driving privilege or, if a nonresident, his privilege as an out-of-state driver to drive on any ways of this state, revoked for a period of not less than 30 days.*

**V.** *(a) Any person who uses blue lights knowingly or purposely to commit a crime punishable as a misdemeanor shall be guilty of a misdemeanor.*

*(b) Any person who uses blue lights knowingly or purposely to commit a crime punishable as a felony shall be guilty of a class B felony.*

Amend the bill by replacing section 3 of the bill with the following:

3 Effective Date. This act shall take effect January 1, 1992.

**AMENDED ANALYSIS**

This bill clarifies existing law which restricts the use of blue emergency lights to law enforcement vehicles by specifically prohibiting the display or use of blue lights by any person who is not a full- or part-time law enforcement officer.



The bill punishes as a misdemeanor or a felony the unlawful use of blue lights under certain circumstances.

Adopted.

Report adopted.

Ordered to third reading.

**SB 3-A**, relative to exit 10 on the Spaulding turnpike and making an appropriation therefor. OUGHT TO PASS.

This bill amends existing legislation to bring the City of Somersworth into the planning process. The bill also increases the amount appropriated for the environmental impact study by \$100,000 to be paid from turnpike revenue bonds. Vote 17-0. Rep. Roland A. Frechette for Public Works.

Adopted.

Referred to Appropriations.

**SB 11-A**, appropriating funds for a new courthouse in Rockingham county. OUGHT TO PASS.

The Committee unanimously supports building a new courthouse in Rockingham County and has indicated its support in the Capital Budget. This facility is desperately needed to alleviate the tremendous overcrowding at the present courthouse. Vote 13-0. Rep. Gene G. Chandler for Public Works.

Adopted.

Referred to Appropriations.

**SB 14-A**, relative to environmental and engineering studies and acquisition of rights-of-way for the construction of a truck lane on United States Route 2 in Jefferson, New Hampshire, and making an appropriation therefor. OUGHT TO PASS.

The condition of the highway in this area of Route 2 creates a safety hazard. This highway serves trucks from Canada, New York, Vermont, Maine and New Hampshire. A truck lane is necessary at this time. Vote 17-0. Rep. Dennis J. Kilbride for Public Works.

Adopted.

Referred to Appropriations.

**SB 41-A**, relative to the construction of a fire training academy for New Hampshire fire fighters and making an appropriation therefor, and relative to motor vehicle records fees. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS.

MAJORITY: Senate Bill 41 concerns the construction of a fire training academy to be operated under the direction of the Department of Safety. This issue has been around for a number of years and the majority of the Committee feels that there are a number of questions and issues that need to be resolved before passage of such a bill. Re-referral of SB 41 will allow the Committee to study all facets of the proposal and make recommendations that are in the best interest of the State of New Hampshire. Vote 11-8. Rep. Gene G. Chandler for the Majority of Public Works.

MINORITY: The testimony before the Committee was overwhelmingly in favor of this bill. The New Hampshire Association of Domestic Insurance Companies indicated that it will willingly bear the cost of the facility. This will result in absolutely no cost to the State of New Hampshire. The bill is supported by 85 Fire Chiefs, 134 volunteer fire departments, the Commissioner of Safety, the Fire Standards and Training Commission and the New Hampshire Municipal Association. Rep. Joanne A.

O'Rourke, Rowland H. Schmidtchen, William A. Driscoll, John F. Weeks, Jr., William K. Kincaid, Dennis J. Kilbride, Roland A. Frechette and Terry D. Oliver for the Minority of Public Works.

Rep. O'Rourke moved that the words Ought to Pass be substituted for the report of the Committee, Re-refer to Committee and spoke in favor.

Reps. Benton and Hoar spoke in favor.

Rep. Gene Chandler spoke against and yielded to questions.

Rep. LaMott spoke in favor.

Reps. Burling and William McCain spoke in favor and yielded to questions.

Rep. Sandra Keans spoke against and yielded to questions.

Rep. Dyer spoke in favor.

### (Deputy Speaker Michael Hill in the Chair)

Reps. Reidy and Paul White spoke in favor.

Rep. John Chandler spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

### YEAS 281

Accornero, Harry  
Campbell, Richard H., Jr.  
Hawkins, Robert S.  
Salatiello, Thomas B.  
Vogler, Charles C.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

### YEAS 281 BELKNAP

### NAYS 71

Cain, Thomas G.  
Golden, Paul A.  
Maviglio, Steven R.  
Turner, Robert H.

### CARROLL

Daly, Robert J., Jr.

Foster, Robert W.

Saunders, Howard N.

### CHESHIRE

Burnham, Daniel M.  
Cole, Stacey W.  
Doucette, Richard F.  
Kennison, Wayne A.  
Laurent, John J.  
Pearson, Gertrude B.  
Spear, Susan S.

Champagne, Richard L.  
Crutchley, Donald O.  
Feuer, Joseph N.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Riley, William A.

Clark, Eugene W.  
DePecol, Benjamin J.  
Foster, Katherine D.  
LaMar, David M.  
Morse, Jo Ann T.  
Sawyer, Alfred P.

### COOS

Brungot, Catherine V.  
Guay, Lawrence J.  
Mayhew, Josephine  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Nelson, Harold D.  
Theriault, Romeo J.

### GRAFTON

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
Guest, Robert H.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Wadsworth, Karen O.

Arnesen, Deborah L.  
Brown, Patricia B.  
Dow, David  
Hill, Richard L.  
Markley, J. Keith  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
White, Paul R.

**HILLSBOROUGH**

|                         |                            |                         |
|-------------------------|----------------------------|-------------------------|
| Ahrens, Frederick G.    | Amidon, Eleanor H.         | Arnold, Barbara E.      |
| Baker, George H., Sr.   | Baldizar, Barbara J.       | Baroody, Benjamin C.    |
| Bowers, Dorothy C.      | Buckley, Raymond           | Burke, Stephen J.       |
| Calawa, Leon, Jr.       | Chasse, Richard D.         | Clemons, Jane A.        |
| Cook, Valerie S.        | Cote, David E.             | Crotty, Edward J.       |
| Desrochers, Gerard T.   | Desrosiers, William J.     | Dodge, Emma M.          |
| Domaingue, Jacquelyn M. | Donovan, Francis X.        | Drabinowicz, A. Theresa |
| Drolet, Paul L.         | Durham, Susan B.           | Dwyer, Patricia R.      |
| Dyer, Merton S.         | Elliott, Larry G.          | Emerton, Lawrence A.    |
| Fenton, James J.        | Fields, Dennis H.          | Ford, Nancy M.          |
| Gage, Ruth E.           | Gagnon, Eugene L.          | Gagnon, Gabrielle V.    |
| Gosselin, Gerald O.     | Goulet, Maurice E.         | Greenglass, Alan B.     |
| Gureckis, Adam C., Sr.  | Haettenschwiller, Alphonse | Hanselman, Gregory L.   |
| Healy, Daniel J.        | Healy, Walter F.           | Hultgren, David D.      |
| Jasper, Shawn N.        | Johnson, Lionel W.         | Keane, Cornelius J.     |
| Kelley, Dana F.         | Kelley, Robert N.          | King, Frank P.          |
| L'Heureux, Robert J.    | Larochelle, Roger B.       | Laughlin, J. Francis    |
| Lawrence, Eva M.        | Leclerc, Charles J.        | Lefebvre, Roland J.     |
| Lown, Elizabeth D.      | Lozeau, Donnalee M.        | Martin, Mary Ellen      |
| Mason, Howard F.        | McCann, Bonnie Lou         | McDowell, James E.      |
| McRae, Karen K.         | Messier, Irene M.          | Moore, Elizabeth A.     |
| Murphy, Robert E.       | Nardi, Theodora P.         | O'Rourke, Joanne A.     |
| Ouellette, Robert O.    | Packard, Bonnie B.         | Paquette, Rodolphe G.   |
| Pepino, Leo P.          | Record, Alice B.           | Reidy, Frank J.         |
| Rheault, Lillian I.     | Robinson, Ellen-Ann        | Rothhaus, Finlay C.     |
| Sallada, Roland A.      | Searles, Stanley N., Sr.   | Soucy, Donna M.         |
| Stiles, Walter A.       | Tarpley, Nancy L.          | Tate, Joan C.           |
| Turgeon, Roland M.      | Upton, Barbara A.          | Vanderlosk, Stanley R.  |
| Wheeler, Robert L.      | White, John M.             | Wright, George W.       |

**MERRIMACK**

|                      |                       |                      |
|----------------------|-----------------------|----------------------|
| Apple, Lowell D.     | Barberia, Richard A.  | Boucher, Laurent J.  |
| Braiterman, Thea     | Carter, Susan D.      | Christie, Thomas J.  |
| Daneault, Gabriel J. | Dunn, Miriam D.       | Fair, Patricia A.    |
| Fillion, Paul R.     | Gilbreth, Robert M.   | Gross, Caroline L.   |
| Hall, Douglas E.     | Hill, Michael J.      | Jacobson, Alf E.     |
| Jelley, Francis D.   | Johnson, C. William   | Johnson, Joyce M.    |
| Kidder, William F.   | Letourneau, George E. | Lockwood, Robert A.  |
| Molner, Mary E.      | Smith, Gerald R.      | Soldati, Jennifer G. |
| Teague, Bert         | Trombly, Rick A.      | Wallner, Mary Jane   |
| Weeks, John F., Jr.  | Whittemore, James A.  | Yeaton, Charles B.   |

**ROCKINGHAM**

|                        |                         |                       |
|------------------------|-------------------------|-----------------------|
| Barnes, John S., Jr.   | Bell, Juanita L.        | Benton, Richardson D. |
| Brown, Jeffrey M.      | Buco, Stephen W.        | Campbell, Marilyn R.  |
| Caswell, Albert, Jr.   | Chase, Lawrence A., Jr. | Christie, Andrew, Jr. |
| Chulack, Peter G., Sr. | Clark, Martha Fuller    | Connell, David R.     |
| Cooke, Annette M.      | Cote, Patricia L.       | Dowd, Sandra K.       |
| Dube, LeRoy S.         | Falwell, Robert V.      | Flanagan, Natalie S.  |

Flanders, David A.  
 Gage, Beverly A.  
 Haynes, Richard  
 Hurst, Sharleene P.  
 Johnson, Robert A.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 McKinney, Betsy  
 Pantelakos, Laura C.  
 Rubin, George R.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Welch, David A.

Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hoar, John, Jr.  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Raynowska, Bernard J.  
 Schanda, Joseph S.  
 Smith, Arthur W.  
 Terninko, Margaret B.  
 Vaughn, Charles L.  
 Woods, Deborah L.

Flanders, John W., Sr.  
 Griebisch, Linda  
 Hoelzel, Kathleen M.  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McGovern, Cynthia A.  
 Palazzo, Frank J.  
 Rosencrantz, James R.  
 Senter, Marilyn P.  
 Syracusa, Anthony  
 Thayer, Leroy C.  
 Warburton, Calvin

### STRAFFORD

Appleby, James E.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 Martling, W. Kent  
 Musler, George T.  
 Parks, Joe B.  
 Tsiros, William  
 Wheeler, Katherine W.

Bickford, Drucilla  
 Hambrick, Patricia A.  
 Kincaid, William K.  
 McCann, William H., Jr.  
 Nehring, William H.  
 Spencer, Leo J.  
 Vincent, Francis C.

Brown, Julie M.  
 Hashem, Elaine M.  
 Kinney, Paula J.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Torr, Ann M.  
 Wall, Janet G.

### SULLIVAN

Allison, David C.  
 Flint, Gordon B.  
 Middleton, John A.  
 Schotanus, Merle W.

Behrens, Thomas A.  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Stamatakis, Carol M.

Burling, Peter Hoe  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.

### NAYS 71

#### BELKNAP

Holbrook, Robert G.  
 Zaharchuk, Peter J., Jr.

Rice, Thomas E. P., Jr.

Rosen, Ralph J.

### CARROLL

Allard, Nanci A.  
 Chandler, Gene G.  
 Jean, Robert R.

Beach, Mildred A.  
 Dickinson, Howard C.  
 Wiggin, Allen R.

Bradley, Jeb E.  
 Dodge, A. Gibb, Jr.  
 Wiggin, Gordon E.

### CHESHIRE

Cole, Kenneth A.  
 Hunt, John B.

Grodin, Richard A.  
 Metzger, Katherine H.

Hogan, James B.  
 Perry, David M.

### COOS

Horton, Lynn C.

Marsh, Beaton

### GRAFTON

Christy, C. Dana  
 Stewart, Roger D.

Mellwaine, Deborah P.  
 Whitcomb, Henry F., Jr.

Shackett, Ralph E.



**HILLSBOROUGH**

Alukonis, David J.  
Daigle, Robert A.  
Green, Scott E.  
Kurk, Neal M.  
McNerney, Daniel P.  
Riley, Frances L.

Andrews, Frederick B.  
Daniels, Gary L.  
Hall, Betty B.  
Lachut, Ervin R.  
Mercer, Robert S.  
Smith, Leonard A.

Cowenhoven, Garret P.  
Ferguson, Charles  
Holden, Carol H.  
Lawrence, Norman B.  
Perham, Lester R.  
Wheeler, David K.

**MERRIMACK**

Chandler, Earle W.  
Hayes, Robert C.  
Nichols, Avis B.

Chandler, John P.  
Lewis, Mary Ann  
Stapleton, Henry F.

Hager, Elizabeth S.  
Millard, Elizabeth S.  
Stio, Peter M.

**ROCKINGHAM**

Boucher, William P.  
Ford, Bert H.  
Simon, Peter M.

DiPietro, Carmela M.  
MacKinnon, Nancy W.  
Sytek, John J.

Felch, Charles H., Sr.  
Seward, Russell G.

**STRAFFORD**

Corte, Arthur B.  
Foss, Patricia H.  
Pelley, Janet R.

Douglass, Clyde J.  
Keans, Sandra B.  
Sullivan, Henry P.

Flynn, Edward J.  
Marston, Robert E.  
Young, John B.

**SULLIVAN**

Domini, Irene C.  
and the motion was adopted.  
Referred to appropriations.

**SB 64-A**, relative to the superior courthouse in Nashua and making an appropriation therefor. **OUGHT TO PASS.**

The Committee and the entire House have repeatedly supported the new Hillsborough County Superior Courthouse in Nashua. This bill provides funding for furnishings and a security system for the currently completed, but vacant structure. Vote 13-0. Rep. David J. Alukonis for Public Works.

Adopted.

Referred to Appropriations.

**SB 117-FN-A**, relative to expenditures by the public works bureau, extending certain lapse dates, making adjustments to certain bond authorizations, making certain appropriations, relative to the port authority, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

A multitude of items in this bill have all been passed by the House twice in HB 35 with the exception of an additional appropriation for the Mason Library at Keene State College, and some changes at the Port Authority. The Port issues will be handled in another bill. Given the economic climate, the Committee feels the library work will come in within the original appropriation. Vote 17-0. Rep. David K. Wheeler for Public Works.

Adopted.

**SB 68-FN**, relative to the transportation of animals in open trucks. **OUGHT TO PASS.**

Passage of this bill would mandate that any animal being transported in the back of any open truck must be caged or secured to the truck. Also, the entire body of the

animal must remain within the confines of the truck. Vote 12-1. Rep. Thaddeus E. Klemarczyk for Transportation.

Rep. Jasper moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass and spoke in favor.

Rep. Klemarczyk spoke against.

Rep. Marilyn Campbell spoke in favor and yielded to questions.

Rep. L'Heureux spoke against and yielded to questions.

Rep. Baldizar spoke against.

On a division vote, 206 members having voted in the affirmative and 139 in the negative, the substitute motion was adopted.

**SB 222-FN**, relative to a study of alternative transportation. **OUGHT TO PASS WITH AMENDMENT.**

This bill establishes a committee to study the development of an alternative transportation system in southern New Hampshire. It also extends as a Subcommittee of the alternative transportation study advisory committee until August 1, 1993, the Nashua Passenger Rail Advisory Committee established in 1989 to study and plan a Nashua-Lowell, Massachusetts rail link. Vote 12-3. Rep. John Hoar, Jr. for Transportation.

#### Amendment

Amend paragraph I of section 2 of the bill by deleting subparagraph (d) and relettering the original subparagraphs (e)-(k) to read as (d)-(j), respectively.

Amend subparagraph I(d) of section 2 of the bill by replacing it with the following:

(d) Two representatives each from each of the 4 urbanized areas (MPOS) in southern New Hampshire: Salem/Plaistow, Rochester/Portsmouth, Nashua and Manchester, appointed by the governor with the consent of the council.

Amend paragraph V of section 2 of the bill by replacing it with the following:

V. The committee shall submit a report to the governor and council, the president of the senate, and the speaker of the house in time for preparation of legislation for the 1993 session.

Amend the bill by replacing section 3 with the following:

3 Nashua Passenger Rail Advisory Committee. The Nashua Passenger Rail Advisory Committee, established under 1989, 387, completed its phase II study. The phase II study consisted of an evaluation of implementing rail service to Lowell, Massachusetts. The committee submitted its report in September, 1990. The general court recognizes this fine effort by the committee. Because issues relating to the implementation of rail passenger service between Nashua and Lowell, Massachusetts remain, the general court believes the committee should be extended until August 1, 1993, as a subcommittee to the alternative transportation study advisory committee established under section 2 of this act.

Amend the bill by replacing section 4 with the following:

4 New Section; Committee Extended. Amend 1989, 387 by inserting after section 2 the following new section:

387:2-a Committee Extended. The Nashua passenger rail advisory committee established under 1989, 387:2 is extended, as a subcommittee of the alternative transportation study advisory committee established under section 2 of this act, until

August 1, 1993. The subcommittee shall continue the planning process with the goal of implementing a rail service from Nashua to Lowell, Massachusetts. The subcommittee also may address questions concerning implementation costs, liability issues and the management and operation of such a service. Membership and guidelines for compensation established under 1989, 387:2 shall remain in effect for the subcommittee. The subcommittee shall submit a report to the committee for inclusion in the committee's report on or before August 1, 1993.

#### AMENDED ANALYSIS

This bill establishes a committee to study the development of an alternative transportation system in southern New Hampshire.

The bill also extends as a subcommittee of the alternative transportation study advisory committee until August 1, 1993, the Nashua passenger rail advisory committee established in 1989 to study and plan a Nashua-Lowell, Massachusetts rail link.

Adopted.

Report adopted.

Ordered to third reading.

**SB 170-FN-A**, to study the revenue structure in New Hampshire and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

The bill authorizes an independent study of the revenue and spending structure in New Hampshire. The study will be conducted by an independent organization and overseen by the House and Senate Ways and Means Committees. The amendment is a rewrite of the Senate version, clarifying the study's purposes and content. The bill appropriates one dollar for the study, and the Committee is seeking the \$50,000 needed from private sources. Vote 15-1. Rep. Douglass P. Teschner for Ways and Means.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

##### 1 Study Authorized.

##### I. The general court recognizes that:

(a) State and local government spending has risen, and continues to rise, in order to provide funding for state, county, municipal, and school district expenditures.

(b) Questions have arisen regarding the fairness and equity of the present tax system.

(c) There is concern regarding possible overdependence on a restricted number of revenue sources.

(d) The relationship between the state's economy and its revenue structure is of vital concern.

(e) Actions by the federal government, including increased mandates and reduced grants to the states, have exacerbated New Hampshire's fiscal problems.

(f) Legislative action may be necessary to address the relationship between the state revenue structure and expenditures and the fiscal relationship between the state and its subdivisions.

II. The general court therefore authorizes a study of the revenue structure in New Hampshire. The study shall be conducted by an independent organization which shall be chosen by the chairpersons of the house and the senate ways and means committees.

2 Legislative Oversight. The house and the senate ways and means committees shall oversee the work of the independent organization. The house and the senate ways and means committees shall establish a schedule for the independent organization to work with these committees and to submit progress reports to both the committees.

3 Study. The independent organization shall study the spending and revenue structure at all levels of government and the fiscal relationship between the state and its subdivisions. In undertaking this study, the independent organization shall consider the following topics:

- I. The need for revenue predictability and stability.
- II. The equity and fairness of existing and proposed state and local taxes.
- III. Encouraging a climate favorable to business and economic development.
- IV. Minimizing the administrative costs of tax collection.
- V. State and local spending needs, economic and demographic trends, and the role of the public sector in New Hampshire.
- VI. Optimizing the fiscal and statutory relationships between the state government and its subdivisions.
- VII. Federal mandates and the distribution of federal revenues to state and local governments.
- VIII. Comparisons with the tax capacities and the taxes of other states and their political subdivisions.
- IX. The need for, and the appropriate funding level of, the state's revenue stabilization fund.
- X. Any other economic, political, demographic, or other considerations which are deemed appropriate.

4 Report. The independent organization shall submit a final report of the study to the senate and house ways and means committees for transmission to the governor, the speaker of the house of representatives, and the president of the senate no later than November 1, 1991.

5 Appropriation. The sum of \$1 is hereby appropriated for the fiscal year ending June 30, 1991, for the purposes of sections 1-4 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill authorizes a study of the spending and revenue structure in New Hampshire. The study is to be conducted by an independent organization which is chosen by the chairpersons of the house and the senate ways and means committees. The house and the senate ways and means committees shall oversee the study. The independent organization is given a specific list of topics to consider as part of its study.

The independent organization shall study the state's spending and revenue structure at all levels of government and the fiscal relationship between the state and its subdivisions.

The independent organization shall report its findings to the senate and house ways and means committees for transmission to the governor, the speaker of the house, and the president of the senate no later than November 1, 1991.

The bill appropriates \$1 for the purposes of the study.

Rep. Teschner yielded to questions.



On a division vote, 239 members having voted in the affirmative and 98 in the negative, the amendment was adopted.

Report adopted.

Referred to Appropriations.

**SB 156-FN-A**, establishing a committee to study the SAU structure within the state of New Hampshire and making an appropriation therefor. RE-REFER TO COMMITTEE.

The Committee feels strongly that many studies have been done on the SAU structure in schools and supports the concept of this bill. To effectively address the many concerns dealing with structure and costs as well as proliferation of these units, a proper independent consultant study should be done. Due to severe economic times, it is not possible to obtain funds for this purpose. In the re-referral process, it is hoped that the Committee can establish criteria to address the issues and possibly explore outside channels. Vote 20-0. Rep. Stanley N. Searles for Education.

Rep. Jacobson moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Re-refer to Committee, spoke to his motion and yielded to questions.

Reps. Searles and Skinner spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

#### YEAS 161

#### NAYS 186

#### YEAS 161 BELKNAP

Cain, Thomas G.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Salatiello, Thomas B.

Golden, Paul A.  
Maviglio, Steven R.  
Shibley, Arnold P.

#### CARROLL

Allard, Nanci A.  
Dickinson, Howard C.  
Saunders, Howard N.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.  
Wiggin, Gordon E.

Daly, Robert J., Jr.  
Jean, Robert R.

#### CHESHIRE

Burnham, Daniel M.  
Hunt, John B.  
Lynch, Margaret A.  
Pearson, Gertrude B.

Clark, Eugene W.  
Kennison, Wayne A.  
Metzger, Katherine H.  
Perry, David M.

Cole, Kenneth A.  
Kingsbury, H. Thayer  
Morse, Jo Ann T.  
Spear, Susan S.

#### COOS

Buckley, C. Fitzgerald  
Pratt, Leighton C.

Hawkinson, Marie C.

Mayhew, Josephine

#### GRAFTON

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.

Brown, Channing T.  
Hill, Richard L.  
Shackett, Ralph E.  
Trelfa, Richard T.

Chambers, Mary P.  
Lougee, Richard W.  
Stewart, Roger D.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Alukonis, David J.  
 Burke, Stephen J.  
 Cote, David E.  
 Dwyer, Patricia R.  
 Fields, Dennis H.  
 Gosselin, Gerald O.  
 Haettenschwiller, Alphonse  
 Healy, Walter F.  
 L'Heureux, Robert J.  
 Laughlin, J. Francis  
 Lozeau, Donnalee M.  
 McRae, Karen K.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Reidy, Frank J.  
 Soucy, Donna M.

Baker, George H., Sr.  
 Chasse, Richard D.  
 Daigle, Robert A.  
 Fenton, James J.  
 Gage, Ruth E.  
 Goulet, Maurice E.  
 Hall, Betty B.  
 Keane, Cornelius J.  
 Lachut, Ervin R.  
 Lawrence, Norman B.  
 Martin, Mary Ellen  
 Mercer, Robert S.  
 Nardi, Theodora P.  
 Perham, Lester R.  
 Rheault, Lillian I.  
 Upton, Barbara A.

Baldizar, Barbara J.  
 Clemons, Jane A.  
 Dodge, Emma M.  
 Ferguson, Charles  
 Gagnon, Gabrielle V.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 King, Frank P.  
 Larochelle, Roger B.  
 Leclerc, Charles J.  
 McCann, Bonnie Lou  
 Moore, Elizabeth A.  
 O'Rourke, Joanne A.  
 Record, Alice B.  
 Rothhaus, Finlay C.  
 Wheeler, David K.

**MERRIMACK**

Apple, Lowell D.  
 Christie, Thomas J.  
 Hayes, Robert C.  
 Johnson, C. William  
 Letourneau, George E.  
 Soldati, Jennifer G.  
 Wallner, Mary Jane

Braiterman, Thea  
 Daneault, Gabriel J.  
 Jacobson, Alf E.  
 Johnson, Joyce M.  
 Lewis, Mary Ann  
 Stapleton, Henry F.  
 Weeks, John F., Jr.

Chandler, John P.  
 Dunn, Miriam D.  
 Jelley, Francis D.  
 Kidder, William F.  
 Millard, Elizabeth S.  
 Trombly, Rick A.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Chase, Lawrence A., Jr.  
 Connell, David R.  
 Flanders, David A.  
 Hynes, Carolyn E.  
 MacKinnon, Nancy W.  
 McKinney, Betsy  
 Senter, Marilyn P.  
 Sytek, John J.  
 Woods, Deborah L.

Boucher, William P.  
 Christie, Andrew, Jr.  
 Cote, Patricia L.  
 Griebisch, Linda  
 Johnson, Robert A.  
 Malcolm, Kenneth W.  
 Pantelakos, Laura C.  
 Seward, Russell G.  
 Tufts, Arthur

Buco, Stephen W.  
 Chulack, Peter G., Sr.  
 DiPietro, Carmela M.  
 Hoar, John, Jr.  
 Kane, Cecelia D.  
 McGovern, Cynthia A.  
 Rubin, George R.  
 Syracuse, Anthony  
 Vaughn, Charles L.

**STRAFFORD**

Douglass, Clyde J.  
 Jankowski, Peter M.  
 McCann, William H., Jr.  
 Pelley, Janet R.

Foss, Patricia H.  
 Keans, Sandra B.  
 Merrill, Amanda A.  
 Wheeler, Katherine W.

Gilmore, Gary R.  
 Marston, Robert E.  
 Pageotte, Donald P.  
 Young, John B.

**SULLIVAN**

Allison, David C.  
 Lindblade, Eric N.  
 Stamatakis, Carol M.

Behrens, Thomas A.  
 Peyron, Fredrik

Burling, Peter Hoe  
 Rodeschin, Beverly T.

### NAYS 186 BELKNAP

Accornero, Harry  
Holbrook, Robert G.  
Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
Rosen, Ralph J.  
Ziegra, Alice S.

Dewhirst, Glenn E.  
Turner, Robert H.

### CARROLL

Beach, Mildred A.  
Wiggin, Allen R.

Chandler, Gene G.

Foster, Robert W.

### CHESHIRE

Champagne, Richard L.  
DePecol, Benjamin J.  
Foster, Katherine D.  
LaMar, David M.  
Sawyer, Alfred P.

Cole, Stacey W.  
Doucette, Richard F.  
Grodin, Richard A.  
Laurent, John J.

Crutchley, Donald O.  
Feuer, Joseph N.  
Hogan, James B.  
Riley, William A.

### COOS

Brungot, Catherine V.  
Horton, Lynn C.  
Merrill, Gerald P.  
Theriault, Romeo J.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Nelson, Harold D.

Guay, Lawrence J.  
Marsh, Beaton  
Oliver, Terry D.

### GRAFTON

Adams, Carl S.  
Christy, C. Dana  
Guest, Robert H.  
McIlwaine, Deborah P.  
Whitcomb, Henry F., Jr.

Bean, Pamela B.  
Dow, David  
LaMott, Paul I.  
Nordgren, Sharon L.  
White, Paul R.

Brown, Patricia B.  
Driscoll, William J.  
Markley, J. Keith  
Ward, Kathleen W.

### HILLSBOROUGH

Ahrens, Frederick G.  
Arnold, Barbara E.  
Buckley, Raymond  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Durham, Susan B.  
Emerton, Lawrence A.  
Green, Scott E.  
Holden, Carol H.  
Johnson, Lionel W.  
Kurk, Neal M.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Paquette, Rodolphe G.  
Robinson, Ellen-Ann  
Stiles, Walter A.  
Turgeon, Roland M.  
White, John M.

Amidon, Eleanor H.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Crotty, Edward J.  
Desrosiers, William J.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Ford, Nancy M.  
Greenglass, Alan B.  
Hultgren, David D.  
Kelley, Dana F.  
Lawrence, Eva M.  
Mason, Howard F.  
Messier, Irene M.  
Pepino, Leo P.  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.  
Vanderlosk, Stanley R.  
Wright, George W.

Andrews, Frederick B.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Elliott, Larry G.  
Gagnon, Eugene L.  
Healy, Daniel J.  
Jasper, Shawn N.  
Kelley, Robert N.  
Lefebvre, Roland J.  
McDowell, James E.  
Ouellette, Robert O.  
Riley, Frances L.  
Smith, Leonard A.  
Tate, Joan C.  
Wheeler, Robert L.

**MERRIMACK**

Barberia, Richard A.  
 Chandler, Earle W.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Molner, Mary E.  
 Stio, Peter M.  
 Yeaton, Charles B.

Boucher, Laurent J.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Nichols, Avis B.  
 Teague, Bert

Carter, Susan D.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Whittemore, James A.

**ROCKINGHAM**

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Haynes, Richard  
 Hutchinson, Karen K.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McCarthy, John J., Jr.  
 Schanda, Joseph, Sr.  
 Smith, Arthur W.  
 Thayer, Leroy C.

Benton, Richardson D.  
 Clark, Martha Fuller  
 Dube, LeRoy S.  
 Flanders, Harry E.  
 Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 Packard, Sherman A.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Warburton, Calvin

Campbell, Marilyn R.  
 Cooke, Annette M.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Hurst, Sharleene P.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Raynowska, Bernard J.  
 Skinner, Patricia M.  
 Terninko, Margaret B.  
 Welch, David A.

**STRAFFORD**

Appleby, James E.  
 Brown, Julie M.  
 Hashem, Elaine M.  
 Martling, W. Kent  
 Spencer, Leo J.  
 Tsiros, William

Bernard, Mary E.  
 Flynn, Edward J.  
 Kincaid, William K.  
 Nehring, William H.  
 Sullivan, Henry P.  
 Vincent, Francis C.

Bickford, Drucilla  
 Hambrick, Patricia A.  
 Kinney, Paula J.  
 Parks, Joe B.  
 Torr, Ann M.  
 Wall, Janet G.

**SULLIVAN**

Domini, Irene C.  
 Middleton, John A.

Flint, Gordon B.  
 Schotanus, Merle W.

Krueger, Richard H.

and the substitute motion lost.

Re-referred to Committee.

**RESOLUTION**

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 9, 1991 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 13**, relative to transferring funds between and among line items in the postsecondary technical education department.

**SB 178**, transferring certain account balances to the joint legislative account.



**SB 1**, relative to the senate committee which is to study redistricting state senate districts.

**SB 2**, relative to the senate committee which is to study redistricting congressional districts.

**SB 195-FN**, relative to campaign expenditure limitations.

**SB 24**, relative to revising the administrative procedure act.

**SB 70-FN**, relative to superior court clerks for Hillsborough county.

**SB 82**, relative to powers of directors, officers, and trustees of health service corporations.

**SB 109-FN**, relative to the time for holding the 1991 Newmarket town meeting.

**SB 4-FN-A**, establishing a committee to study the New Hampshire state port authority.

**SB 123-FN**, relative to the wine industry of New Hampshire.

**SB 152**, relative to a joint New Hampshire-Quebec trade council.

**SB 25-FN**, relative to obtaining out-of-state driving records.

**SB 106-FN**, relative to anatomical gifts.

**SCR 1**, relative to L-Tryptophan.

**SB 66**, relative to durable power of attorney for health care.

**SB 19-FN**, establishing penalties and fines for use of blue lights by any person other than a certified police officer.

**SB 222-FN**, relative to a study of alternative transportation.

### SUSPENSION OF RULES

Reps. Gross, Chambers and D. Sytek moved that the rules be so far suspended as to permit the Committee on Ways and Means to report revenue bills and the House to take action on those reports after the deadlines of May 7 and May 9 in Rule 67.

Adopted by the necessary two-thirds.

### SUSPENSION OF RULES

Reps. Gross, Chambers and Hager moved that the rules be so far suspended as to permit the Committee on Appropriations to hold hearings on those bills referred to it today without the required four-day notice.

Adopted by the necessary two-thirds.

Rep. Gross moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 4:00 p.m.

### RECESS

### ENROLLED BILLS REPORT

(Rep. Baroody in the Chair)

**HB 120**, to standardize the use of tax exemptions and tax credits for property tax purposes.

**HB 174**, relative to the appointment of a deputy town clerk by the elected town clerk.

**HB 364**, relative to the opening and closing of deer season.

**HB 629**, establishing a task force on congregate housing.

**SB 40**, making the pink lady's slipper the state wildflower.

**SB 52**, changing the name of the Federal Home Loan Bank Board to the Office of Thrift Supervision.

Rep. Dunn, Sen. Currier for the Committee

RECESS

### ENROLLED BILLS REPORT

(Rep. O'Rourke in the Chair)

**HB 52**, relative to group health insurance participation by members of the general court.

**HB 278-FN**, relative to liability and indemnification of regional planning commissions

**HB 335**, relative to license plates for antique motor cars.

**HB 339-FN**, relative to traffic signals.

**HB 350-FN**, relative to assault.

**HB 373-FN**, relative to agricultural and farm motor vehicle license plates.

**HB 397-FN**, relative to persons afflicted with Alzheimer's disease.

**HB 398**, relative to determining qualifications of applicants to vote.

**HB 433**, establishing a developmentally delayed category.

**HB 475-FN**, relative to appointment of banking department assistants, and to the performance of contract services by the banking department, and to assessing the costs of bank examinations.

**HB 481-FN**, relative to disposition of a deceased individual's estate.

**HB 484-FN**, relative to when electric companies are public utilities and affiliates of public utilities.

**HB 553-FN**, relative to the Bridge Street Bridge over Storrs Street in the city of Concord.

**HB 565-FN**, relative to marine oil spill response, oil spillage in surface waters or groundwaters and underground storage tanks.

**HB 573**, relative to unauthorized insurance.

**HB 574-FN**, relative to managing general agents.

**HB 575**, relative to liquidation and rehabilitation of insurance companies.

**HB 580**, relative to insurance rebates and automobile financing.

**HB 589-FN**, relative to holding companies.

**SB 1**, relative to the senate committee which is to study redistricting state senate districts.

**SB 2**, relative to the senate committee which is to study redistricting congressional districts.

**SB 15**, relative to special identification of legislation that may have an impact on local expenditures or requires the state to forward all or part of any designated revenues to cities or towns and relative to mileage payments to members of the legislative ethics committee.

**SB 29**, establishing a legislative ethics committee.

**SB 123-FN**, relative to the wine industry of New Hampshire.

**SB 143**, extending time limits for condominium projects.

Rep. Dunn, Sen. Currier for the Committee

RECESS

**ENROLLED BILLS REPORT****(Rep. DiPietro in the Chair)**

**HB 448-A**, appropriating funds for environmental and engineering design studies for the Ledyard Bridge in Hanover and making an appropriation therefor.

**HB 452-FN**, relative to solicitation of prostitutes.

**HB 460-FN**, relative to the health data advisory committee.

**HB 490-FN**, relative to continuation of state health and dental insurance benefits for state employees called for active duty between August 2, 1990, and March 15, 1991.

**HB 530-FN**, relative to marital arbitration.

**HB 539-FN-A**, relative to a committee to study the uninsurable and making an appropriation therefor.

**HB 551**, relative to the distribution of taxes from towns to village districts.

**HB 567**, relative to stepparents' visitation rights.

**HB 578**, establishing an advisory committee on Governors state park in Laconia.

**SB 25-FN**, relative to obtaining out-of-state driving records.

**SB 106-FN**, relative to anatomical gifts.

**SB 228-FN-A**, relative to the treatment of New Hampshire investment trusts and the open bank assistance program under the New Hampshire business profits tax.

Rep. Dunn, Sen. Currier for the Committee

RECESS

**ENROLLED BILLS REPORT****(Rep. Gross in the Chair)**

**HB 305-FN**, relative to the meaning of the term "charitable" for purposes of real estate tax exemptions.

**HB 638-FN**, relative to credit for reinsurance.

**SB 13**, relative to transferring funds between and among line items in the postsecondary technical education department.

**SB 24**, relative to revising the administrative procedure act.

**SB 82**, relative to powers of directors, officers, and trustees of health service corporations.

**SB 109-FN**, relative to the time for holding the 1991 Newmarket town meeting.

**SB 178**, transferring certain account balances to the joint legislative account.

**CACR 11**, relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons.

RECESS

**ENROLLED BILLS REPORT****(Rep. Krueger in the Chair)**

**SB 70**, relative to superior court clerks for Hillsborough county.

**HB 213-FN**, relative to rates set for medicaid and the administrative procedure act.

**HB 221-FN**, relative to respite care for Alzheimer's disease.

**HB 319-FN**, establishing a committee on access to health care.

**HB 372-FN**, relative to further protection of scenic roads in municipalities and the removal of trees posing a safety hazard.

**HB 413-FN**, relative to penalties for insurance laws violations.

**HB 670-FN**, relative to condominium conversion of manufactured housing parks.

#### RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.



**HOUSE JOURNAL No. 21**

Thursday, May 9, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, the Reverend David P. Jones, St. Paul's Church, Concord.

Members of this House of Representatives, it is a rather humbling experience to have been invited to come and stand here with you. Thank you. I have heard in recent days that there are those who feel that clergy and prayers have no place in a government body such as this. I would never presume to force anyone to pray here but no one should force me or any of you not to. Live free or die cuts both ways.

And so now, if you wish, please pray with me. If you do not, please be patient with the rest of us.

Gentle and loving Father, be present this day with the men and women of this House. Open their eyes to see what is right. Open their ears to hear the wisdom of one another. Open their hearts that they might be channels of compassion for all who are in need. And then, and only then, O Lord, open their mouths to speak words of truth.

We ask You for these things because we need them. Amen.

Rep. Amanda Merrill led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Splaine, Conroy, Feuerstein, Parr and Jelley, the day, illness.

Reps. David Flanders, Holmes, David Young (military service), Pelley, Guest, Shackett, Hawkinson, Perry, Shibley, Parks, Baldizar, Sawyer and Donald Messier, the day, important business.

Rep. Thayer, the day, death in the family.

Rep. Amidon, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Calvin Keith, father of Rep. Keith. Former Rep. William Rose and his wife Janet, guests of Reps. Patricia Brown, C. Dana Christy and Schotanus. Andrew Kull and Joy Whelan, guests of Rep. Chambers. Catherine Stamatakis, mother of Rep. Stamatakis. Sharon Nadeau, guest of Rep. Fields. Delegation of Nurses, guests of Rep. Ann Torr. Nick Karagianis, guest of Rep. Tsiros.

**COMMUNICATION**

May 1, 1991

Mr. James Chandler, Clerk of the House of Representatives.

This is to advise you that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough County District No. 39 (Manchester Ward 6)

Gregory Janas, d, Manchester (1010 Page St.) 03104

Sincerely, William Gardner,  
Secretary of State

The Speaker appointed Rep. Janas to the Committee on Resources, Recreation and Development and assigned him Seat 2-60.

The Speaker appointed a House Committee on Redistricting as follows:

#### EXECUTIVE COMMITTEE

|                                       |                                     |
|---------------------------------------|-------------------------------------|
| Rep. Garret P. Cowenhoven, Chairman   | Rep. Michael J. Hill, Vice Chairman |
| Rep. Harold W. Burns                  | Rep. Ellen-Ann Robinson             |
| Rep. Mary P. Chambers                 |                                     |
| Ex-officio - Rep. Natalie S. Flanagan |                                     |

#### COUNTY TASK FORCE

|              |                         |                           |
|--------------|-------------------------|---------------------------|
| BELKNAP      | Rep. Thomas E.P. Rice   | Rep. Thomas B. Salatiello |
| CARROLL      | Rep. Gene G. Chandler   |                           |
| CHESHIRE     | Rep. Richard A. Grodin  | Rep. Susan S. Spear       |
| COOS         | Rep. Lawrence J. Guay   | Rep. Josephine Mayhew     |
| GRAFTON      | Rep. C. Dana Christy    | Rep. Sharon L. Nordgren   |
| HILLSBOROUGH | Rep. Alice B. Record    | Rep. Joanne A. O'Rourke   |
| MERRIMACK    | Rep. Caroline L. Gross  | Rep. Rick A. Trombly      |
| ROCKINGHAM   | Rep. Peter M. Simon     | Rep. Cynthia A. McGovern  |
| STRAFFORD    | Rep. Ann M. Torr        | Rep. William H. McCann    |
| SULLIVAN     | Rep. Richard H. Krueger | Rep. Carol M. Stamatakis  |

#### RESOLUTION

Rep. Gross offered the following: It's introduction having been approved by the Rules Committee, RESOLVED, that House Bill 785-FN-A, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF HOUSE BILL

##### First, second reading and referral

**HB 785-FN-A**, relative to the state's purchase and renovation of land and buildings in the capitol area government center and making an appropriation therefor. (Public Works)

#### SENATE MESSAGE

##### REQUESTS CONCURRENCE

**SB 10-FN**, establishing a study committee on bonuses for veterans who served during the Persian Gulf crisis.

#### RESOLUTION

Rep. Gross offered the following: RESOLVED, that Senate Bill number 10-FN, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF SENATE BILL

##### First, second reading referral

**SB 10-FN**, establishing a study committee on bonuses for veterans who served during the Persian Gulf crisis. (Public Protection and Veterans Affairs)

#### COMMITTEE OF CONFERENCE REPORT ON SB 100-FN

The committee of conference to which was referred Senate Bill 100-FN, An Act relative to simulcast wagering having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 284:22-a, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) "State" means each state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any territory or possession of the United States.

Amend RSA 284:22-a, II as inserted by section 2 of the bill by replacing it with the following:

II.(a) During the calendar years 1941-1999, a licensee may sell pari-mutuel pools on races held at racetracks other than the racetrack at which the licensee conducts its race meet, provided:

(1) Such sales are within the enclosure of the racetrack at which the licensee holds a license for the current year to conduct live racing in this state;

(2) Wagers are made on races which are exhibited by television or other means of electronic reproduction at the licensee's racetrack simultaneously with the conduct of each such race at its point of origin with the agreement or approval of the racetrack which provides the transmission of the races to be simulcast and the racetrack which conducts the races to be simulcast;

(3) The licensee conducts live racing on the day on which the licensee simulcasts; and

(4) The licensee obtains the consents and approvals set forth in RSA 284:22-a, III.

(b) The aggregate number of live races conducted at a licensee's racetrack for each calendar year shall exceed the aggregate number of races simulcast by such licensee during each such calendar year.

Amend the introductory paragraph of RSA 284:22-a, III as inserted by section 2 of the bill by replacing it with the following:

III. A licensee may sell pari-mutuel pools on races held at other appropriately licensed racetracks, whether such racetracks are in the state of New Hampshire or outside the state of New Hampshire with the agreement or approval of the racetrack which provides the transmission of the races to be simulcast and the racetrack which conducts the races to be simulcast. A licensee may sell pari-mutuel pools under RSA 284:22-a on the same types of races that it conducts live at its racetrack with the approval of the commission. A licensee may sell pari-mutuel pools under RSA 284:22-a on types of races different from the type of races conducted live at the licensee's racetrack provided:

Amend RSA 284:22-a, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Notwithstanding the provisions of RSA 284:22-a, II(a)(3) and II(b), a licensee may simulcast on a day on which live racing is scheduled at the licensee's racetrack, without conducting live racing provided that the live racing program is cancelled due to weather or other conditions which produce unsafe conditions at the racetrack of the licensee. The determination to cancel a live program based upon weather or the condition of the racetrack shall be made by the licensee, and notice of

the cancellation shall be provided to the commission. The licensee, however, shall, in no event, simulcast on more than 10 days in each calendar year when it conducts no live racing as a result of the cancellation of the live program, pursuant to this paragraph. The number of races simulcast by a licensee on days when no live racing is conducted by the licensee due to weather or track conditions at the licensee's racetrack shall not be included in the aggregate number of simulcast races for the purposes of RSA 284:22-a, II(b).

Amend RSA 284:22-a, V(a) as inserted by section 2 of the bill by replacing it with the following:

V.(a) A licensee may sell pari-mutuel pools for simulcast races for races held at racetracks within or outside the state of New Hampshire in accordance with RSA 284:22-a, II, within the enclosure of said licensee's racetrack or a licensee, with the written agreement with the licensee which conducts or transmits the race which is to be simulcast, may sell a common pari-mutuel pool in conjunction with the licensee which conducts or transmits the race which is to be simulcast. In the event of common pools, the licensee which conducts or transmits the race shall pay the tax required under RSA 284:23 for the portion of the common pool actually contributed at said licensee's racetrack and the licensee which simulcasts shall pay the tax due under RSA 284:23 for the portion of the common pool actually contributed at said licensee's racetrack.

Amend RSA 284:22-a, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. RSA 284:22, I, II, III, and IV shall apply according to the type of race on which the simulcast wagers are made, excepting, however, interstate common pools as provided in RSA 284:22-a, V(b) and that the provisions made for purses made in RSA 284:22, I shall not apply to simulcast races. The commission on simulcast race pools shall be available to the simulcasting licensee to satisfy obligations to the racing association originating or transmitting such simulcast races or to the horsemen's group of such association.

Conferees on the Part of the Senate:

Sen. Blaisdell, Dist. 10; Sen. Colantuono, Dist. 14; Sen. Delahunty, Dist. 22.

Conferees on the Part of the House:

Rep. R. Kelley, Hills. 13; Rep. W. Desrosiers, Hills. 43; Rep. Simon, Rock. 9; Rep. Reidy, Hills. 45.

Report adopted.

## SENATE MESSAGE

### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 428-FN**, relative to the enforcement and administration of state taxes by the department of revenue administration.

The President appointed Sens. McLane, Hollingworth and Russman.

### COMMITTEE OF CONFERENCE REPORT ON HB 428-FN

**HB 428-FN**, relative to the enforcement and administration of state taxes by the department of revenue administration. (Report printed SJ 22, 5/7/91)

Report adopted.



**SENATE MESSAGES  
CONCURRENCE**

**HB 113**, relative to weighted voting in school administrative unit affairs.

**HB 187**, including agents of investment advisors in the definition of "agent" under the securities laws.

**HB 221-FN**, relative to respite care for Alzheimer's disease.

**HB 275-FN-A**, establishing a permanent heritage collections committee and a New Hampshire heritage trust fund, continually appropriating funds in the trust fund to the committee, and making an appropriation therefor.

**HB 305-FN**, relative to the meaning of the term "charitable" for purposes of real estate tax exemptions.

**HB 310-FN**, increasing the hazardous waste transporter vehicle registration fee.

**HB 339-FN**, relative to traffic signals.

**HB 340**, relative to compliance with enabling legislation.

**HB 350-FN**, relative to assault.

**HB 361**, repealing certain obsolete education laws.

**HB 362-FN**, establishing the northeast conservation law enforcement compact.

**HB 372-FN**, relative to further protection of scenic roads in municipalities and the removal of trees posing a safety hazard.

**HB 373-FN**, relative to agricultural and farm motor vehicle license plates.

**HB 381-FN-A**, relative to the recovery of legal fees incurred by the state.

**HB 431-FN**, relative to exempting certain purchases for severely emotionally disturbed children from state purchasing requirements.

**HB 441**, relative to the uniform limited offering exemption from securities registration and filing requirements.

**HB 448-A**, appropriating funds for environmental and engineering design studies for the Ledyard Bridge in Hanover and making an appropriation therefor.

**HB 450**, relative to claims to dower and curtesy.

**HB 514-FN**, relative to special town meetings.

**HB 539-FN-A**, relative to a committee to study the uninsurable and making an appropriation therefor.

**HB 550-FN**, relative to the withdrawal of accumulated contributions and retirement system membership.

**HB 551**, relative to the distribution of taxes from towns to village districts.

**HB 553-FN**, relative to the Bridge Street Bridge over Storrs Street in the city of Concord.

**HB 655-FN**, relative to statistical reports.

**HB 670-FN**, relative to condominium conversion of manufactured housing parks.

**HB 673-FN**, reinstating the charter of Capitol Leasing Company, Inc., and of Hagen and Spiegali, Inc.

**HB 723-FN**, relative to Concord - state cooperation.

**HB 743-FN**, relative to listing representatives to the general court on the ballot.

**HCR 2**, urging Congress to propose a constitutional amendment requiring a balanced federal budget.

**HCR 12**, concerning the use of automatic dialing devices for telephone solicitation purposes.

**HCR 13**, calling for a delay in the implementation of the Internal Revenue Service advisory opinion on mileage reimbursements for members of the general court.

**HJR 1**, concerning the settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine.

### CONCURRENCE WITH AMENDMENTS

**SB 222-FN**, relative to a study of alternative transportation.

**SB 152**, relative to a joint New Hampshire-Quebec trade council.

**SB 4-FN-A**, establishing a committee to study the New Hampshire state port authority and relative to international trade.

### NONCONCURRENCE

**HB 130-FN**, relative to mass transportation in certain cities.

**HB 172-FN**, relative to private lease of state railroad real estate.

**HB 482-FN**, relative to temporary guardianships.

**HB 717-FN**, permitting the designation by a vehicle owner of a vehicle's recipient upon the owner's death.

### REFERRED FOR INTERIM STUDY

**HB 139-FN**, relative to fair credit billing.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 118**, relative to determination of alimony where one spouse has remarried. (Amendment printed SJ 19, 4/25/91)

Rep. Martling moved that the House concur.

Adopted.

**HB 127**, establishing Civil Rights Day and abolishing Fast Day. (Amendment printed SJ 19, 4/25/91)

Rep. Kidder moved that the House nonconcur.

Adopted.

**HB 131-FN**, relative to liability for acts which create situations requiring unnecessary emergency responses. (Amendment printed SJ 19, 4/25/91)

Rep. Benton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Benton, Daly, Welch and Chasse.

**HB 168**, relative to highway classifications. (Amendment printed SJ 20, 4/30/91)

Rep. Grodin moved that the House concur.

Adopted.

**HB 169-FN**, relative to the disposition of revenues collected under the land use change tax. (Amendment printed SJ 20, 4/30/91)

Rep. Grodin moved that the House concur.

Adopted.

**HB 175-FN**, relative to the hunting of pheasants. (Amendment printed SJ 15, 4/2/91)

Rep. Perham moved that the House Concur.

Adopted.

**HB 203-FN**, relative to the confidentiality of quality assurance records of community mental health centers. (Amendment printed SJ 19, 4/25/91)

Rep. Robert Foster moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robert Foster, Ziegra, Ann Torr and Katherine Foster.

**HB 208-FN**, relative to annulments of criminal records. (Amendment printed SJ 19, 4/25/91)

Rep. Martling moved that the House concur.

Adopted.

**HB 325-FN**, relative to reciprocity of dog training. (Amendment printed SJ 15, 4/2/91)

Rep. Perham moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Drake, Allen Wiggin, Kinney and Schanda.

**HB 330-FN**, establishing a committee to study the issue of an office of the ombudsman for children. (Amendment printed SJ 17, 4/16/91)

Rep. William McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. William McCain, Valerie Cook, Woods and Lionel Johnson.

**HB 352-FN**, relative to the oil discharge and disposal cleanup fund. (Amendment printed SJ 16, 4/9/91)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Lewis, Stamatakis and Holbrook.

**HB 445-FN**, defining "compact parts" of towns and cities with regard to criminal charges for unauthorized use of firearms and firecrackers. (Amendment printed SJ 19, 4/25/91)

Rep. Martling moved that the House concur.

Adopted.

**HB 461-FN**, relative to notice for out of district placement by the Court. (Amendment printed SJ 19, 4/25/91)

Rep. William McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robinson, Connell, Mayhew and Accornero.

**HB 486-FN**, relative to collection of forfeitures of recognizances by the division of motor vehicles. (Amendment printed SJ 16, 4/9/91)

Rep. Martling moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Jacobson, Martling, Nancy Ford and Wall.

**HB 519-FN**, relative to municipal budget matters and the timber tax. (Amendment printed SJ 20, 4/30/91)

Rep. Grodin moved that the House concur.

Adopted.

**HB 572**, relative to exclusions in automobile insurance. (Amendment printed SJ 20, 4/30/91)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Krueger, Foss, Tsiros and Arnesen.

**HB 683-FN-A**, establishing a transportation task force for the twenty-first century and making an appropriation therefor. (Amendment printed SJ 20, 4/30/91)

Rep. Haynes moved that the House concur.

Adopted.

**HB 722-FN**, relative to the control and regulation of billboards and other advertising devices and establishing an outdoor advertising study committee. (Amendment printed SJ 20, 4/30/91)

Rep. Dickinson moved that the House nonconcur.

Adopted.

#### **NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE**

**SB 195-FN**, relative to campaign expenditure limitations.

The President appointed Sens. Bass, St. Jean and Delahunty.

Rep. Flanagan moved that the House accede.

Adopted.

The Speaker appointed Reps. Flanagan, Holden, Simon and Gilmore.

#### **ENROLLED BILLS AMENDMENTS**

**SB 144-FN-A**, relative to the Women's War Memorial and making an appropriation therefor.

##### **Amendment**

Amend section 4 of the bill by replacing it with the following:

4 Effective Date. This act shall take effect July 1, 1991.

Adopted.

**SB 152**, relative to a joint New Hampshire-Quebec trade council.

##### **Amendment**

Amend section 1 of the bill by replacing lines 2 and 3 with the following:

inserting after section 2-f the following new section:

12-A:2-g New Hampshire-Canadian Trade Council. The commissioner of

Adopted.

#### **COMMITTEE REPORTS CONSENT CALENDAR**

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 32-FN**, permitting district and municipal courts to accept payment of fines by credit card, was removed at the request of Rep. Martling.



**SB 181-FN**, relative to the number of winner take all bingo games allowed on one game date, was removed at the request of Rep. Ruth Gage.

Consent Calendar adopted.

**SB 96**, relative to adoption. OUGHT TO PASS.

Senate Bill 96 grants the Probate Court exclusive jurisdiction to grant a petition for adoption and deletes the six (6) months residence requirements for either party. There is no fiscal impact. Vote 14-0. Rep. Nancy W. MacKinnon for Children, Youth and Juvenile Justice.

**SCR 3**, urging the New Hampshire supreme court to give preferred status to appeals of adoptions. INEXPEDIENT TO LEGISLATE.

The Committee feels there should be a separation of power between the legislative branch and the judicial branch and this Concurrent Resolution would tend to breach this. Vote 9-5. Rep. Valerie S. Cook for Children, Youth and Juvenile Justice.

**SB 43-FN**, establishing a committee to study utilization and management review and managed care. OUGHT TO PASS WITH AMENDMENT.

This bill establishes a committee to study the practicality and necessity of allowing private utilization and management review plans to examine the medical necessity and appropriateness of hospital resources and medical services given to patients for the purpose of determining the availability of payment. The amendment adds a representative from commercial insurance to the committee. Vote 13-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend paragraph VIII of section 1 of the bill by replacing it with the following:

VIII. One representative of a health maintenance organization, appointed by the insurance commissioner.

IX. One representative of Blue Cross/Blue Shield, appointed by Blue Cross/Blue Shield.

X. One representative of a commercial insurance carrier, appointed by the insurance commissioner.

**SB 57-FN**, relative to the review of New Hampshire corporate laws. OUGHT TO PASS WITH AMENDMENT.

This bill establishes a committee to study whether changes should be made in New Hampshire's laws regarding corporations in order to entice business into the state. The Committee will examine what types of businesses and industries should be encouraged to come into the state. The amendment makes the Committee three House members and three Senate members. Vote 14-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend paragraphs I - IX of section 1 of the bill by replacing them with the following:

I. Three senators, appointed by the senate president.

II. Three representatives, at least one of whom shall be a member of the commerce, small business and consumer affairs committee, appointed by the speaker of the house.

**SB 101-FN**, establishing a study committee relative to the industrial development authority. OUGHT TO PASS.

The Committee sees this bill as another necessary tool to shape the changes for the economic environment in this state and assist in the restructuring of the Industrial Development Authority. Vote 12-0. Rep. William Tsiros for Commerce, Small Business and Consumer Affairs.

**SB 150**, relative to partnerships and relative to foreclosures. OUGHT TO PASS WITH AMENDMENT.

This bill clarifies who the parties are to be notified in case of a mortgage foreclosure. It also makes explicit the need for recording mortgages and for intervening creditors to file their affidavits within 60 days of the foreclosure sale. Vote 14-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

### Amendment

Amend RSA 479:25, II as inserted by section 2 of the bill by replacing it with the following:

II. A copy of said notice shall be served upon the mortgagor or sent by registered or certified mail to his last known address or to such person as may be agreed upon in the mortgage at least 25 days before the sale. The term "mortgagor" shall include the mortgagor [or the then record owner of the premises] *and any grantee, assignee, devisee or heir of the mortgagor holding a recorded interest in the mortgaged premises subordinate to the lien of the mortgage, provided that such interest is recorded, at least 30 days before the date of the sale, in the registry of deeds for the county in which the mortgaged premises are situated.* Like notice shall be sent to any person having a lien [on the premises] of record *on the mortgaged premises*, provided that the lien is recorded at least 30 days before the date of the sale in the registry of deeds [for the county in which the property is situated]. The notice shall be sent not less than 21 days before the sale. Such notice of sale shall be sufficient if it fully sets forth the date, time, and place of sale; the town, county, street or highway and street number, if any, of the mortgaged premises; the date of the mortgage; the volume and page of the recording of the mortgage; [the location where the original mortgage instrument may be examined;] and the terms of the sale. *Any mortgagor or record lienholder who refuses to accept or claim mailed or served notice or who frustrates attempts by the mortgagee to give notice of the sale by failing to give or leave a forwarding address or by other act or omission shall be deemed to be notified of the sale, provided that, such mortgagee shall have made a good faith effort to provide such notice.* Notice of the sale as served on or mailed to the mortgagor shall include the following language:

"You are hereby notified that you have a right to petition the superior court for the county in which the mortgaged premises are situated, with service upon the mortgagee, and upon such bond as the court may require, to enjoin the scheduled foreclosure sale." Failure to institute such petition and complete service upon the foreclosing party, or his agent, conducting the sale prior to the sale shall thereafter bar any action or right of action of the mortgagor based on the validity of the foreclosure.

Amend the bill by replacing all after section 4 with the following:

### 5 Applicability.

I. The general court recognizes that a question of statutory interpretation has arisen concerning the persons who are entitled to notice of a foreclosure sale. The purpose of this act is to clarify the application of RSA 479:25, II by explicitly stating that prior to a foreclosure sale, a mortgagee must notify the mortgagor. The term "mortgagor" includes any grantee, assignee, devisee or heir of the mortgagor holding a recorded interest in the mortgaged premises subordinate to the lien of the mortgage. The general court finds that such was its intent at the time of passage of the 1979 amendment to this statute. Therefore, in order to protect the expectations of persons as to the legal significance of their acts under the prior language of this statute, the general court affirms the validity of mortgage foreclosures conducted in good faith in accordance with this interpretation of former RSA 479:25, II.

II. A challenge by any person to a foreclosure not conducted in accordance with the notification requirements of RSA 479:25, II shall not be precluded by this section.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes that for certain purposes corporations and partnerships reside in the judicial districts in which they maintain offices.

This bill also sets a limitation on the time a lienholder has to make a claim of insufficient notice concerning a foreclosure sale by a mortgagee.

The bill clarifies the ramifications of failing to record the deed and affidavit within 60 days after the foreclosure sale with regard to intervening creditors.

The bill also affirms the validity of mortgage foreclosures conducted in good faith, prior to the effective date of this act, concerning persons entitled to notice of a foreclosure sale, but does not preclude a challenge to a foreclosure which does not meet the notice requirements of RSA 479:25, II.

**SB 89**, relative to school district planning committees. OUGHT TO PASS.

This bill is enabling legislation to allow the city of Berlin and any other cities to participate in the district's school planning committee regarding establishment of a cooperative school district. Vote 13-0. Rep. Stanley N. Searles for Education.

**SB 146**, relative to equipment and instruction programs for revolving funds for regional vocational centers. OUGHT TO PASS.

This allows regional vocational centers to establish equipment and instruction programs which are funded by revolving funds. These collected funds may be used for materials, training and customized programs. Revenues received from outside sources would be placed in the revolving fund. Vote 13-0. Rep. Robert M. Gilbreth for Education.

**SB 33-FN**, relative to establishing a nonlapsing account for the New Hampshire technical institute and vocational technical colleges and creating the position of director of financial management. OUGHT TO PASS.

This legislation places into law the non-lapsing account of the New Hampshire vocational system, which has been in existence through the budget process since 1987. Vote 15-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

**SB 62-FN**, relative to licensure of athletic trainers. RE-REFER TO COMMITTEE.

The Committee recognized the need to protect both the student athlete, as well as the garden variety athlete. However, as numerous issues were raised during the executive session (including impact on schools, licensure vs certification, etc.), it was the unanimous opinion that additional work is needed on this bill. Vote 15-0. Rep. Maurice E. Goulet for Executive Departments and Administration.

**SB 120-FN**, establishing a sunset committee and restoring the sunset review process and making an appropriation therefor. RE-REFER TO COMMITTEE.

Since the Committee has re-referred a sunset bill (HB 614) it feels this bill, although amended, is very similar to the House Bill and would like to look at the process from both directions. Further, the funding source the Committee had in mind went up in smoke, and time is needed to work out the details. Vote 14-0. Rep. William P. Boucher for Executive Departments and Administration.

**SB 214-FN**, exempting specialized programs or equipment of the Christa McAuliffe planetarium from the state's competitive bidding process. OUGHT TO PASS.

This legislation recognizes the unique and special programs and equipment necessary for the Christa McAuliffe Planetarium to function in the manner for which it was created. Vote 13-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

**SB 47**, relative to emergency response personnel. OUGHT TO PASS WITH AMENDMENT.

This bill would add towing operations personnel to the law regarding notification if they have had an unprotected exposure to an infectious disease, especially since some diseases, such as hepatitis B, remain viable in body fluids for a considerable length of time. The amendment changes the effective date of the legislation from January 1, 1992, to "effective upon passage" to protect these people as soon as possible. Vote 18-0. Rep. Merilyn P. Senter for Health, Human Services and Elderly Affairs.

#### Amendment

Amend the bill by replacing section 3 with the following:

3 This act shall take effect upon its passage.

**SB 159-FN**, relative to posting of public documents in licensed health facilities and health care facilities. RE-REFER TO COMMITTEE.

This bill calls for the expansion of the posting of health care and occupancy licensing. The Committee feels that a full review of all public documented requirements is needed. Vote 15-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

**SB 9-FN**, relative to a study of interactions between the mental health and criminal justice systems. OUGHT TO PASS WITH AMENDMENT.

This bill sets up a task force to study the relationship between the mental health agents and criminal justice system. The amendment adds two members, a correctional administrator from the counties, and a representative appointed by the New Hampshire Association of Police Chiefs. Vote 15-0. Rep. Alf E. Jacobson for Judiciary.



**Amendment**

Amend paragraph I(e) as inserted by section 2 of the bill by replacing it with the following:

(e) One correctional administrator, appointed by the New Hampshire Association of Counties.

Amend paragraph I as inserted by section 2 of the bill by inserting after subparagraph (o) the following new subparagraph:

(p) One representative of a city or town law enforcement agency, appointed by the New Hampshire Association of Police Chiefs.

**SB 154-FN**, relative to the jurisdiction of state police employees. RE-REFER TO COMMITTEE.

This bill is intended as an effort to settle disputes of jurisdiction between the local police and the State Police. While the bill had been a compromise, it is the intent of the Committee to attempt a resolution between two groups that can allow for a stronger showing of support between the Chiefs of Police Association and the Police Association. Vote 16-2. Rep. Donnalee M. Lozeau for Judiciary.

**SB 209-FN**, relative to issuance of a notice or citation by the probate court to a court-appointed fiduciary for failure to file an inventory or an account of administration and to requirements for notice to beneficiaries. OUGHT TO PASS.

This bill is an effort to correct the process in Probate Court whereby it has been possible for a fiduciary to abscond with funds in his/her trust. Basically, the failure of a fiduciary to file reports timely will precipitate a response by the Probate Court rather than current laggard responses. Vote 15-0. Rep. Alf E. Jacobson for Judiciary.

**SB 118-FN**, relative to the department of revenue administration. OUGHT TO PASS WITH AMENDMENT.

This bill, requested by the Department of Revenue Administration, clarifies rule-making authority and which fiscal reports are to be submitted to the Department. The amendment eliminates minor drafting errors. All testimony was favorable. Vote 18-0. Rep. Catherine V. Brungot for Municipal and County Government.

**Amendment**

Amend RSA 41:19 as inserted by section 8 of the bill to read as follows:

41:19 Report to Commissioner of Revenue Administration. Every town clerk, after the annual [town meeting] *elections*, shall [forthwith] report the names and post office addresses of [all] *each* town [officers] *officer required to be reported* to the commissioner of revenue administration. *The commissioner shall adopt rules under RSA 541-A stating the title of each town officer to be reported and the form and content of each report.* If any town officer *required to be reported* has not been chosen or appointed at that time the town clerk shall promptly make a like report when such officer is chosen or appointed so that the commissioner of revenue administration shall at all times be informed of the names and mailing addresses of all *such* town officers.

Amend RSA 74:9 as inserted by section 9 of the bill by replacing it with the following:

74:9 Declaration. The declaration required in and by such inventories shall be as follows, to be varied in cases of partnerships, corporations, administrators and the like, to conform to such circumstances [I, ..... under penalties of perjury do

solemnly declare that, to the best of my knowledge and belief, the foregoing inventory contains a full, true and correct statement of all the real and personal estate or property for which I was liable to be taxed by the selectmen of ....., under the laws of the state, on April first, ....., and of all stock in railroad corporations of this state owned by me at that time; and that I have not assigned, conveyed or disposed of any property or estate, in any manner, for the purpose of evading taxation. So help me God]. *Under penalty of perjury, I (we) declare that, to the best of my (our) knowledge and belief, the foregoing information contains a full, true and correct statement of the real property which I (we) owned as of April 1, ..... in the city/town of .....*

Amend the bill by inserting after section 13 the following and renumbering the original sections 14-15 to read as 15 and 16, respectively:

14 Statutory Interpretive Authority Granted. Amend RSA 72:43, I(a) to read as follows:

(a) His interpretation and construction of RSA 72:39, 72:40, 72:41, 72:42, [72:43-b and 72:43-c] **72:43 through 72:43-h**; and

Amend the bill by replacing section 15 with the following:

15 Repeal. The following are repealed:

I. RSA 32:7, relative to budgets forwarded to the commissioner of revenue administration.

II. RSA 72:43, II, relative to the interpretation of certain statutes by the commissioner of revenue administration.

#### AMENDED ANALYSIS

This bill:

(1) Requires the clerk of each county convention to file financial reports and independently conducted audits with the commissioner.

(2) Requires each county clerk to file the budget and minutes of the county convention with the commissioner.

(3) Requires each town clerk to report the names and addresses of certain town officers with the commissioner.

(4) Grants the commission rulemaking authority over the information to be furnished the department for annual equalizations and the content of appraisal contracts.

(5) Modifies the declaration required by the annual invoice of polls and taxable property.

(6) Renames the returns processing division of the department of revenue administration to the documents processing division.

(7) Authorizes the commissioner of revenue administration to interpret certain RSA sections without the approval of the attorney general.

**SB 134-FN**, relative to a public recreation revolving fund. **INEXPEDIENT TO LEGISLATE.**

This bill would have authorized cities and towns to establish non-lapsing revolving funds for parks and recreation, such funds to be built from collection of fees. In particular, testimony indicated one purpose was retention of funding when budgets are cut. The Committee feels that budgetary decisions should be made at town meeting. Further, the bill is inconsistent with the provisions of the Municipal Budget Act (Chapter 32). Vote 17-1. Rep. Thomas B. Salatiello for Municipal and County Government.

**SB 78-FN**, relative to loans to municipalities from state revolving loan funds.  
**ought to pass with amendment.**

This bill provides that the terms of repayment by a municipality of loans from certain state loan funds shall be governed by the law establishing and administering the loan fund. Municipalities may capitalize interest on such loans, in certain circumstances. Vote 12-1. Rep. Joanne A. O'Rourke for Public Works.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to loans to municipalities from state revolving loan  
funds and relative to the state guarantee for the  
elimination of pollution from public waters.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Increasing State Guarantee. Amend RSA 485-A:7 to read as follows:

485-A:7 State Guarantee. In view of the general public benefits resulting from the elimination of pollution from the public waters of the state, the governor and council are authorized in the name of the state of New Hampshire to guarantee unconditionally, but at no time in excess of the total aggregate sum for the entire state of [\$225,000,000] **\$250,000,000**, the payment of all or any portion, as they may find to be in the public interest, of the principal of and interest on any bonds or notes issued by any municipality, town, city, county or district for construction of sewerage systems, sewage treatment and disposal plants, or other facilities necessary, required or desirable for pollution control, and the full faith and credit of the state are pledged for any such guarantee. The outstanding amount of principal and interest on such bonds and notes, the payment of which has been guaranteed by the state under the provisions of this section, shall at no time exceed the amount of [\$225,000,000] **\$250,000,000**. The state's guarantee shall be endorsed on such bonds or notes by the state treasurer; and all notes or bonds issued with state guarantee shall be sold at public sealed bidding to the highest bidder. Any and all such bids may be rejected and a sale may be negotiated with the highest bidder. In the event of default in payment of any such notes or bonds, the state may recover any losses suffered by it by action against the municipality, town, city, county or district as provided in RSA 530. Provided, further, that in accordance with RSA 35-A:29, the foregoing requirement for public sealed bidding shall not be applicable to any bonds or notes or both so guaranteed which are sold to the New Hampshire municipal bond bank, and any bonds or notes or both so guaranteed may be sold to the New Hampshire municipal bond bank at private sale in accordance with the provisions of RSA 35-A.

#### **AMENDED ANALYSIS**

This bill provides that the terms of repayment by a municipality of loans from certain state loan funds shall be governed by the law establishing and administering the loan fund. Municipalities may capitalize interest on such loans, in certain circumstances.

The bill further provides that authenticating certificates shall no longer be required on any bond, note, or other document evidencing a state water pollution control fund loan.

The bill increases the amount which the state may guarantee for the elimination of pollution from public waters.

**SB 185-FN**, relative to liquor licenses for caterers and allowing caterers to subcontract the cooking, preparing, and serving of food. **OUGHT TO PASS WITH AMENDMENT.**

The Committee, by a unanimous vote of 17-0, concurs with the Senate's idea of allowing caterers to subcontract for their food service. However, it felt this amendment was a simpler way to accomplish this goal. Rep. Thomas A. Behrens for Regulated Revenues.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

allowing caterers to subcontract the cooking,  
preparing, and serving of food.

Amend the bill by replacing all after the enacting clause with the following:

1 On-Site Caterer's License. Amend RSA 178:20, V(e)(1) to read as follows:

(1) The commission may issue a cocktail lounge license to any caterer with on-site permanent kitchen facilities and permanent dining facilities capable of seating 100 persons or more. Such license shall allow the licensee to serve liquor and beverages with or without meals to members of a private party in any room of such on-site catering facility designated by the commission. For the purposes of this paragraph, persons under the age of 18 shall be allowed in rooms where beverages and liquor are served without a parent or guardian present. Such lounge license may allow the licensee to serve liquor and beverages on the premises of any public building approved by the commission. Licenses shall be granted only to such caterers as the commission, at its discretion, shall approve and then only to such caterers as shall show the commission on forms and under rules adopted by the commission that at least 50 percent of their combined food and liquor and beverage sales shall fall within the category of food. Caterers with annual food sales of \$100,000 or more shall be exempt from the 50 percent requirement. Caterers shall notify the commission not less than 5 days in advance of a function specifying date and time of the scheduled function. *Notwithstanding any other provision of law, a caterer, with the approval of the commission, may subcontract for the cooking, preparing or serving of food pursuant to the caterer's liquor license. The commission shall adopt rules in accordance with RSA 541-A to carry out the provisions of this subparagraph.* New premises or locations shall be approved by the commission 10 days before the scheduled events.

2 Effective Date. This act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill allows on-site caterers to subcontract the cooking, preparing and serving of food.

**SB 206-FN**, relative to liquor licenses for caterers. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, will allow caterers and social club license holders to purchase supplemental licenses and use their halls for special parties and events open to the public with approval of the Liquor Commission when no private function is being catered. The supplemental license and fees are those which are presently in the law. Vote 17-0. Rep. Betsy McKinney for Regulated Revenues.



**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 On-Site Caterer's License. Amend RSA 178:20, V(e)(1) to read as follows:

(1)(A) The commission may issue a cocktail lounge license to any caterer with on-site permanent kitchen facilities and permanent dining facilities capable of seating 100 persons or more. Such license shall allow the licensee to serve liquor and beverages with or without meals to members of a private party in any room of such on-site catering facility designated by the commission. For the purposes of this paragraph, persons under the age of 18 shall be allowed in rooms where beverages and liquor are served without a parent or guardian present. Such lounge license may allow the licensee to serve liquor and beverages on the premises of any public building approved by the commission. Licenses shall be granted only to such caterers as the commission, at its discretion, shall approve and then only to such caterers as shall show the commission on forms and under rules adopted by the commission that at least 50 percent of their combined food and liquor and beverage sales shall fall within the category of food. Caterers with annual food sales of \$100,000 or more shall be exempt from the 50 percent requirement. Caterers shall notify the commission not less than 5 days in advance of a function specifying date and time of the scheduled function. New premises or locations shall be approved by the commission 10 days before the scheduled events.

*(B) The commission may issue a supplemental license to an on-site caterer licensed to sell beverages and liquor with food to the public on dates approved by the commission when no private function is being catered under RSA 178:20, V(1)(A), unless such premise which has been approved by the commission is capable of being physically separated between public and private functions. The supplemental license may be issued to the applicant for 18, 36, or 52 events per license year for the fees established in RSA 178:27, I. A person issued a supplemental license under this subparagraph shall meet all requirements of RSA 178:20, I-IV. The caterer shall request the commission's approval at least 5 days before any scheduled event to be serviced by a supplemental license. The commission may suspend or revoke the caterer's supplemental license without affecting any other license issued for the premises.*

2 Caterer's Supplemental License Fees. Amend RSA 178:27, I to read as follows:

1. On-sale licensees shall pay the following applicable fees annually:

|                                | Supplemental<br>Only     | Beverages<br>and Wine | Beverages<br>and Liquor | Cocktail<br>Lounge |
|--------------------------------|--------------------------|-----------------------|-------------------------|--------------------|
| Airport                        |                          |                       |                         | \$1,200            |
| Alpine Slide                   |                          |                       |                         | 1,200              |
| Ballroom                       | \$45                     |                       |                         | 1,200              |
| Bed and Breakfast              |                          | \$480                 | \$840                   |                    |
| Bowling Facility               |                          |                       |                         | 1,200              |
| Catering (all)                 |                          |                       |                         | 1,200              |
| Catering (off-site only)       |                          |                       |                         | 840                |
| <i>Catering (on-site only)</i> | <i>18 events - 450</i>   |                       |                         |                    |
|                                | <i>36 events - 750</i>   |                       |                         |                    |
|                                | <i>52 events - 1,200</i> |                       |                         |                    |

|                       |                   |     |       |
|-----------------------|-------------------|-----|-------|
| Club Social           | 18 events - 450   |     | 1,200 |
|                       | 36 events - 750   |     |       |
|                       | 52 events - 1,200 |     |       |
| Club Veterans         | 18 events - 450   |     | 840   |
|                       | 36 events - 750   |     |       |
|                       | 52 events - 1,200 |     |       |
| College Club          |                   |     | 1,200 |
| Convention Center     |                   |     | 2,400 |
| Dining Car            | 480               | 840 |       |
| Fairs                 | 112               |     |       |
| Golf Facility         |                   |     | 1,200 |
| Hotel                 |                   | 840 | 1,200 |
| One Day License       |                   |     | 100   |
| Performing Arts [336] |                   |     | 360   |
| Race Track            |                   |     | 3,000 |
| Racquet Sports        |                   |     | 1,200 |
| Rail Cars             |                   |     | 1,200 |
| Restaurant            | 480               | 840 | 1,200 |
| Ski Facility          |                   |     | 1,200 |
| Vessel                | 480               | 840 | 1,200 |

3 Veteran's Clubs. Amend RSA 178:20, V(h)(2) to read as follows:

(2) No person under the age of 18 shall be in any room where liquor and beverages are sold, *except persons under the age of 18 shall be allowed in rentable rooms approved by the commission when beverages and liquor are served without a parent or guardian present at such times the club is using a supplemental license.*

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows caterers with on-site facilities to serve liquor and beverages with meals at its on-site facilities to the general public.

The bill also authorizes the commission to issue supplemental licenses to on-site caterers to hold a specified number of special events per year at which beverages and liquor may be served with food.

The bill allows persons under the age of 18 to be present at certain functions in veteran's clubs without a parent or guardian being present.

**SB 135-FN**, relative to recovering costs, fees, and expenses in certain takeovers of utilities. **OUGHT TO PASS.**

This bill seeks to protect utility ratepayers from expenses incurred during an unsuccessful takeover attempt. The costs of defending an unsuccessful takeover would be shifted from the ratepayers of the target utility company to the unsuccessful suitor company. Vote 12-0. Rep. Karen K. McRae for Science, Technology and Energy.

**SB 139-FN**, relative to preventing damage to underground utility installations. **OUGHT TO PASS.**

This bill puts teeth in the "dig safe" regulations passed previously. It makes the excavator who damages an underground utility installation liable for the costs of repairs and subject to a civil penalty. Vote 10-0. Rep. Karen K. McRae for Science, Technology and Energy.

**REGULAR CALENDAR**

**SB 190-FN**, establishing a committee to study insurance coverage for infertility. **INEXPEDIENT TO LEGISLATE.**

This bill would have established a study committee to address insurance coverage for infertility treatment. While the Committee understands the issues facing those who wish infertility coverage, the Committee believes that priority must be placed on obtaining basic health coverage for those who are uninsured and uninsurable. Vote 13-1. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

Adopted.

**SB 184-FN**, relative to voter registration. **RE-REFER TO COMMITTEE.**

The majority of the Committee favors re-referral because it feels this bill has merit, but needs further study. Vote 8-4. Rep. H. Thayer Kingsbury for Constitutional and Statutory Revision.

Re-referred to Committee.

**SB 69-FN**, relative to certification of professional counselors. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.**

**MAJORITY:** Senate Bill 69 creates a state board of professional counselors to certify counselors, including mental health counselors. The majority of the Committee felt passage of this bill would cause confusion and uncertainty in the minds of consumers because the state already has a certification board for psychologists, pastoral counselors and clinical social workers (all of whom are mental health counselors). The bill would duplicate some of the work performed by these boards. The bill also does not require the same standards and criteria for certification that the current state board of examiners requires. Finally, the grandfather clause in this bill was too broad and might allow unqualified counselors to receive state certification without proof or verification of their qualifications and expertise to practice mental health therapy. Vote 10-5. Rep. William P. Boucher for the Majority of Executive Departments and Administration.

**MINORITY:** The minority felt that by re-referring this bill the many groups who are not yet certified will have an opportunity to address their concerns. Reps. Gerald O. Gosselin and Roger B. Larochelle for the Minority of Executive Departments and Administration.

Rep. David Wheeler moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. William Boucher spoke against.

Rep. Gosselin spoke in favor.

Rep. Robert Wheeler spoke against.

Rep. Dunn spoke in favor.

Rep. William McCain spoke against and yielded to questions.

Rep. Stacey Cole spoke in favor.

Rep. Ward spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 132**

**NAYS 224**

**YEAS 132  
BELKNAP**

Accornero, Harry  
Salatiello, Thomas B.

Dewhirst, Glenn E.  
Vogler, Charles C.

Maviglio, Steven R.  
Zaharchuk, Peter J., Jr.

**CARROLL**

Wiggin, Gordon E.

**CHESHIRE**

Champagne, Richard L.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Lynch, Margaret A.

Cole, Kenneth A.  
Doucette, Richard F.  
LaMar, David M.  
Pearson, Gertrude B.

Cole, Stacey W.  
Hunt, John B.  
Laurent, John J.  
Spear, Susan S.

**COOS**

Coulombe, Henry W.

Oliver, Terry D.

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Nordgren, Sharon L.

Bean, Pamela B.  
Dow, David  
McIlwaine, Deborah P.  
Trelfa, Richard T.

Chambers, Mary P.  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Buckley, Raymond  
Cote, David E.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Gage, Ruth E.  
Green, Scott E.  
Healy, Daniel J.  
Janas, Gregory  
King, Frank P.  
Laughlin, J. Francis  
Mason, Howard F.  
Ouellette, Robert O.  
Pignatelli, Debora B.  
Soucy, Donna M.  
Wheeler, David K.

Baroody, Benjamin C.  
Burke, Stephen J.  
Crotty, Edward J.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Gagnon, Gabrielle V.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Johnson, Lionel W.  
Lachut, Ervin R.  
Lawrence, Norman B.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Tate, Joan C.  
White, John M.

Bourque, Ann J.  
Chasse, Richard D.  
Daniels, Gary L.  
Durham, Susan B.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Hultgren, David D.  
Kelley, Dana F.  
Larochelle, Roger B.  
Leclerc, Charles J.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Rothhaus, Finlay C.  
Turgeon, Roland M.  
Wright, George W.

**MERRIMACK**

Barberia, Richard A.  
Dunn, Miriam D.  
Jacobson, Alf E.  
Letourneau, George E.  
Trombly, Rick A.  
Yeaton, Charles B.

Braiterman, Thea  
Gilbreth, Robert M.  
Johnson, C. William  
Molner, Mary E.  
Wallner, Mary Jane

Daneault, Gabriel J.  
Hall, Douglas E.  
Johnson, Joyce M.  
Soldati, Jennifer G.  
Whittemore, James A.

**ROCKINGHAM**

Brown, Jeffrey M.  
Connell, David R.  
Ford, Bert H.  
Kane, Cecelia D.  
Rubin, George R.  
Terninko, Margaret B.

Caswell, Albert, Jr.  
Dowling, Patricia A.  
Hoar, John, Jr.  
Katsakiores, George N.  
Seward, Russell G.

Clark, Martha Fuller  
Falwell, Robert V.  
Hurst, Sharleene P.  
Palazzo, Frank J.  
Syracusa, Anthony



**STRAFFORD**

Frechette, Roland A.  
 Hashem, Elaine M.  
 McCann, William H., Jr.  
 Pageotte, Donald P.  
 Wall, Janet G.

Gilmore, Gary R.  
 Jankowski, Peter M.  
 Merrill, Amanda A.  
 Spencer, Leo J.  
 Young, John B.

Hambrick, Patricia A.  
 Marston, Robert E.  
 O'Brien, John  
 Sullivan, Henry P.

**SULLIVAN**

Allison, David C.  
 Tetu, Michael A.

Burling, Peter Hoe  
 Walsh, Robert R.

Harland, Jane A.

**NAYS 224  
BELKNAP**

Bartlett, Gordon E.  
 Golden, Paul A.  
 Johnson, Carl R.  
 Rosen, Ralph J.

Cain, Thomas G.  
 Hawkins, Robert S.  
 Joscelyn, William W.  
 Turner, Robert H.

Campbell, Richard H., Jr.  
 Holbrook, Robert G.  
 Rice, Thomas E. P., Jr.  
 Ziegler, Alice S.

**CARROLL**

Allard, Nanci A.  
 Chandler, Gene G.  
 Dodge, A. Gibb, Jr.  
 Saunders, Howard N.

Beach, Mildred A.  
 Daly, Robert J., Jr.  
 Foster, Robert W.  
 Wiggins, Allen R.

Bradley, Jeb E.  
 Dickinson, Howard C.  
 Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.  
 Feuer, Joseph N.  
 Hogan, James B.  
 Morse, Jo Ann T.

Clark, Eugene W.  
 Foster, Katherine D.  
 Kennison, Wayne A.  
 Pratt, Irene A.

Crutchley, Donald O.  
 Grodin, Richard A.  
 Metzger, Katherine H.

**COOS**

Brungot, Catherine V.  
 Horton, Lynn C.  
 Mayhew, Josephine  
 Pratt, Leighton C.

Buckley, C. Fitzgerald  
 Kilbride, Dennis J.  
 Merrill, Gerald P.  
 Theriault, Romeo J.

Guay, Lawrence J.  
 Marsh, Beaton  
 Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
 Christy, C. Dana  
 Lougee, Richard W.  
 Stewart, Roger D.  
 Whitcomb, Henry F., Jr.

Brown, Channing T.  
 Driscoll, William J.  
 Markley, J. Keith  
 Teschner, Douglass P.  
 White, Paul R.

Brown, Patricia B.  
 Larson, Nils H., Jr.  
 Scanlan, David M.  
 Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Baker, George H., Sr.  
 Clemons, Jane A.  
 Desrochers, Gerard T.  
 Domaingue, Jacquelyn M.  
 Emerton, Lawrence A.  
 Fields, Dennis H.  
 Goulet, Maurice E.  
 Hanselman, Gregory L.

Alukonis, David J.  
 Bowers, Dorothy C.  
 Cook, Valerie S.  
 Desrosiers, William J.  
 Drolet, Paul L.  
 Fenton, James J.  
 Ford, Nancy M.  
 Greenglass, Alan B.  
 Healy, Walter F.

Andrews, Frederick B.  
 Calawa, Leon, Jr.  
 Daigle, Robert A.  
 Dodge, Emma M.  
 Dyer, Merton S.  
 Ferguson, Charles  
 Gagnon, Eugene L.  
 Hall, Betty B.  
 Jordan, Mary H.

Keane, Cornelius J.  
L'Heureux, Robert J.  
Lown, Elizabeth D.  
McDowell, James E.  
Mercer, Robert S.  
Murphy, Robert E.  
Peters, Stanley W.  
Riley, Frances L.  
Sallada, Roland A.  
Steiner, Lee Anne  
Upton, Barbara A.

Kelley, Robert N.  
Lawrence, Eva M.  
Lozeau, Donnalee M.  
McNerney, Daniel P.  
Messier, Irene M.  
Packard, Bonnie B.  
Record, Alice B.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Vanderlosk, Stanley R.

Kurk, Neal M.  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.  
Perham, Lester R.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Smith, Leonard A.  
Tarpley, Nancy L.  
Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Christie, Thomas J.  
Gross, Caroline L.  
Kidder, William F.  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Weeks, John F., Jr.

Asplund, Bronwyn L.  
Chandler, Earle W.  
Fair, Patricia A.  
Hayes, Robert C.  
Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

Boucher, Laurent J.  
Chandler, John P.  
Fillion, Paul R.  
Hill, Michael J.  
Lockwood, Robert A.  
Smith, Gerald R.  
Teague, Bert

### ROCKINGHAM

Barnes, John S., Jr.  
Boucher, William P.  
Christie, Andrew, Jr.  
Cooke, Annette M.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Gage, Beverly A.  
Haynes, Richard  
Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
Malcolm, Kenneth W.  
McGovern, Cynthia A.  
Packard, Sherman A.  
Roulston, Donald L.  
Simon, Peter M.  
Sytek, Donna P.  
Vaughn, Charles L.  
Weyler, Kenneth L.

Bell, Juanita L.  
Buco, Stephen W.  
Chulack, Peter G., Sr.  
Cote, Patricia L.  
Drake, Herbert R.  
Flanders, Harry E.  
Greene, Elizabeth A.  
Hoelzel, Kathleen M.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
McCain, William F.  
McKinney, Betsy  
Raynowska, Bernard J.  
Schanda, Joseph, Sr.  
Skinner, Patricia M.  
Sytek, John J.  
Warburton, Calvin  
Woods, Deborah L.

Benton, Richardson D.  
Campbell, Marilyn R.  
Coffey, John J.  
DiPietro, Carmela M.  
Dube, LeRoy S.  
Flanders, John W., Sr.  
Gribsch, Linda  
Hutchinson, Karen K.  
Keith, Brenda E.  
Lovejoy, Virginia K.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Melnick, Roy E.  
Rosencrantz, James R.  
Senter, Merilyn P.  
Smith, Arthur W.  
Tufts, Arthur  
Welch, David A.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Foss, Patricia H.  
Martling, W. Kent  
Torr, Ann M.  
Vincent, Francis C.

Bickford, Drucilla  
Douglass, Clyde J.  
Keans, Sandra B.  
Nehring, William H.  
Torr, Ralph W.  
Wheeler, Katherine W.

Brown, Julie M.  
Flynn, Edward J.  
Kinney, Paula J.  
Swope, Warren L.  
Tsiros, William

**SULLIVAN**

Behrens, Thomas A.  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Stamatakis, Carol M.

Domini, Irene C.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.

Flint, Gordon B.  
 Middleton, John A.  
 Schotanus, Merle W.

and the motion lost.

Rep. Martin notified the Clerk that she wished to be recorded in favor of the substitute motion.

Report adopted.

**SB 174-FN**, relative to possessing and dispensing prescription drugs by nonprofit family planning agencies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

**MAJORITY:** Although this bill "slightly" amends current law, the Committee had to review the impact on current family planning clinics (those currently under contract with the Division of Public Health Services) and the increase in costs to the general fund. It became apparent that the current system is appropriate to deliver services. Vote 9-5. Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration.

**MINORITY:** Senate Bill 174 would allow privately funded nonprofit family planning clinics to serve a great many of the 20,000 women still in need of family planning services. These would probably be one to three new clinics opened statewide under this bill. This small number does not warrant the Pharmacy Board's strong opposition nor the fiscal note attached to the bill. Rep. Cynthia A. McGovern for the Minority of Executive Departments and Administration.

Rep. McGovern moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Dyer spoke against.

Rep. Ziegler spoke in favor.

Rep. Robert Wheeler spoke against.

Reps. Katherine Wheeler and Schotanus spoke in favor and yielded to questions.

Reps. Moore and Hager spoke in favor.

Rep. Goulet spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 206****NAYS 149****YEAS 206****BELKNAP**

Bartlett, Gordon E.  
 Joscelyn, William W.  
 Salatiello, Thomas B.

Campbell, Richard H., Jr.  
 Maviglio, Steven R.  
 Vogler, Charles C.

Golden, Paul A.  
 Rosen, Ralph J.  
 Ziegler, Alice S.

**CARROLL**

Bradley, Jeb E.

Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
 Cole, Kenneth A.  
 Doucette, Richard F.  
 Grodin, Richard A.  
 Kennison, Wayne A.  
 Lynch, Margaret A.  
 Pearson, Gertrude B.

Champagne, Richard L.  
 Cole, Stacey W.  
 Feuer, Joseph N.  
 Hogan, James B.  
 Kingsbury, H. Thayer  
 Metzger, Katherine H.  
 Pratt, Irene A.

Clark, Eugene W.  
 DePecol, Benjamin J.  
 Foster, Katherine D.  
 Hunt, John B.  
 LaMar, David M.  
 Morse, Jo Ann T.  
 Spear, Susan S.

**COOS**

Buckley, C. Fitzgerald  
 Mayhew, Josephine  
 Pratt, Leighton C.

Coulombe, Henry W.  
 Merrill, Gerald P.

Kilbride, Dennis J.  
 Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
 Brown, Channing T.  
 Copenhaver, Marion L.  
 Larson, Nils H., Jr.  
 Scanlan, David M.  
 Wadsworth, Karen O.

Arnesen, Deborah L.  
 Brown, Patricia B.  
 Hill, Richard L.  
 McIlwaine, Deborah P.  
 Stewart, Roger D.  
 Ward, Kathleen W.

Bean, Pamela B.  
 Chambers, Mary P.  
 LaMott, Paul I.  
 Nordgren, Sharon L.  
 Teschner, Douglass P.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Andrews, Frederick B.  
 Bourque, Ann J.  
 Burke, Stephen J.  
 Clemons, Jane A.  
 Crotty, Edward J.  
 Drolet, Paul L.  
 Fenton, James J.  
 Green, Scott E.  
 Hall, Betty B.  
 Johnson, Lionel W.  
 King, Frank P.  
 Larochelle, Roger B.  
 Lown, Elizabeth D.  
 McDowell, James E.  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Smith, Leonard A.  
 Tarpley, Nancy L.  
 Vanderlosk, Stanley R.

Ahrens, Frederick G.  
 Baker, George H., Sr.  
 Bowers, Dorothy C.  
 Calawa, Leon, Jr.  
 Cook, Valerie S.  
 Donovan, Francis X.  
 Durham, Susan B.  
 Ford, Nancy M.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 Jordan, Mary H.  
 Kurk, Neal M.  
 Laughlin, J. Francis  
 Lozeau, DonnaLee M.  
 McNerney, Daniel P.  
 Moore, Elizabeth A.  
 Packard, Bonnie B.  
 Pignatelli, Debora B.  
 Rodgers, G. Philip  
 Soucy, Donna M.  
 Tate, Joan C.

Alukonis, David J.  
 Baroody, Benjamin C.  
 Buckley, Raymond  
 Chasse, Richard D.  
 Cote, David E.  
 Drabinowicz, A. Theresa  
 Emerton, Lawrence A.  
 Gage, Ruth E.  
 Haettenschwiller, Alphonse  
 Janas, Gregory  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lefebvre, Roland J.  
 Mason, Howard F.  
 McRae, Karen K.  
 Murphy, Robert E.  
 Perham, Lester R.  
 Reidy, Frank J.  
 Sallada, Roland A.  
 Stiles, Walter A.  
 Upton, Barbara A.

**MERRIMACK**

Asplund, Bronwyn L.  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Johnson, Joyce M.

Braiterman, Thea  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Jacobson, Alf E.  
 Kidder, William F.

Chandler, John P.  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Johnson, C. William  
 Letourneau, George E.



Lewis, Mary Ann  
Molner, Mary E.  
Trombly, Rick A.  
Whittemore, James A.

Lockwood, Robert A.  
Soldati, Jennifer G.  
Wallner, Mary Jane  
Yeaton, Charles B.

Millard, Elizabeth S.  
Teague, Bert  
Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Clark, Martha Fuller  
Falwell, Robert V.  
Greene, Elizabeth A.  
Hurst, Sharleene P.  
Lovejoy, Virginia K.  
Magoon, Harold F.  
Rosencrantz, James R.  
Senter, Marilyn P.  
Terninko, Margaret B.

Bell, Juanita L.  
Caswell, Albert, Jr.  
DiPietro, Carmela M.  
Flanagan, Natalie S.  
Griebsch, Linda  
Hutchinson, Karen K.  
MacDonald, Joseph A.  
Malcolm, Kenneth W.  
Rubin, George R.  
Seward, Russell G.  
Vaughn, Charles L.

Buco, Stephen W.  
Christie, Andrew, Jr.  
Dowling, Patricia A.  
Flanders, Harry E.  
Hoar, John, Jr.  
Kane, Cecelia D.  
MacKinnon, Nancy W.  
McGovern, Cynthia A.  
Schanda, Joseph, Sr.  
Syracusa, Anthony  
Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Gilmore, Gary R.  
Jankowski, Peter M.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Wheeler, Katherine W.

Brown, Julie M.  
Flynn, Edward J.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Merrill, Amanda A.  
Spencer, Leo J.

Corte, Arthur B.  
Foss, Patricia H.  
Hashem, Elaine M.  
Martling, W. Kent  
O'Brien, John  
Wall, Janet G.

### SULLIVAN

Allison, David C.  
Harland, Jane A.  
Tetu, Michael A.

Burling, Peter Hoe  
Schotanus, Merle W.  
Walsh, Robert R.

Flint, Gordon B.  
Stamatakis, Carol M.

### NAYS 149

### BELKNAP

Accornero, Harry  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.

Cain, Thomas G.  
Holbrook, Robert G.  
Turner, Robert H.

Dewhirst, Glenn E.  
Johnson, Carl R.  
Zaharchuk, Peter J., Jr.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Allen R.

Beach, Mildred A.  
Dickinson, Howard C.  
Jean, Robert R.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

### CHESHIRE

Crutchley, Donald O.

Laurent, John J.

### COOS

Brungot, Catherine V.  
Marsh, Beaton

Guay, Lawrence J.  
Oliver, Terry D.

Horton, Lynn C.  
Theriault, Romeo J.

**GRAFTON**

Christy, C. Dana  
Lougee, Richard W.  
Whitcomb, Henry F., Jr.

Dow, David  
Nielsen, Niels F., Jr.  
White, Paul R.

Driscoll, William J.  
Trelfa, Richard T.

**HILLSBOROUGH**

Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Ferguson, Charles  
Gagnon, Eugene L.  
Goulet, Maurice E.  
Healy, Walter F.  
Jasper, Shawn N.  
L'Heureux, Robert J.  
McCann, Bonnie Lou  
Ouellette, Robert O.  
Record, Alice B.  
Rothhaus, Finlay C.  
Turgeon, Roland M.  
White, John M.

Daigle, Robert A.  
Desrosiers, William J.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gagnon, Gabrielle V.  
Greenglass, Alan B.  
Holden, Carol H.  
Keane, Cornelius J.  
Lawrence, Eva M.  
Mercer, Robert S.  
Paquette, Rodolphe G.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Wheeler, David K.  
Wright, George W.

Daniels, Gary L.  
Dodge, Emma M.  
Elliott, Larry G.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Healy, Daniel J.  
Hultgren, David D.  
Kelley, Dana F.  
Lawrence, Norman B.  
Nardi, Theodora P.  
Pepino, Leo P.  
Riley, Frances L.  
Steiner, Lee Anne  
Wheeler, Robert L.

**MERRIMACK**

Apple, Lowell D.  
Carter, Susan D.  
Gross, Caroline L.  
Smith, Gerald R.

Barberia, Richard A.  
Chandler, Earle W.  
Hill, Michael J.  
Stapleton, Henry F.

Boucher, Laurent J.  
Christie, Thomas J.  
Nichols, Avis B.  
Stio, Peter M.

**ROCKINGHAM**

Benton, Richardson D.  
Chulack, Peter G., Sr.  
Cooke, Annette M.  
Drake, Herbert R.  
Flanders, John W., Sr.  
Haynes, Richard  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Simon, Peter M.  
Sytek, Donna P.  
Warburton, Calvin

Boucher, William P.  
Coffey, John J.  
Cote, Patricia L.  
Dube, LeRoy S.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
McKinney, Betsy  
Palazzo, Frank J.  
Skinner, Patricia M.  
Sytek, John J.  
Welch, David A.

Brown, Jeffrey M.  
Connell, David R.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Gage, Beverly A.  
Hynes, Carolyn E.  
Keith, Brenda E.  
McCain, William F.  
Melnick, Roy E.  
Raynowska, Bernard J.  
Smith, Arthur W.  
Tufts, Arthur  
Weyler, Kenneth L.

**STRAFFORD**

Bickford, Drucilla  
Marston, Robert E.  
Swope, Warren L.  
Tsiros, William

Frechette, Roland A.  
Nehring, William H.  
Torr, Ann M.  
Vincent, Francis C.

Kinney, Paula J.  
Sullivan, Henry P.  
Torr, Ralph W.  
Young, John B.

## SULLIVAN

Behrens, Thomas A.

Domini, Irene C.

Krueger, Richard H.

Lindblade, Eric N.

Middleton, John A.

Peyron, Fredrik

Rodeschin, Beverly T.

and the motion was adopted.

Substituted report adopted.

Ordered to third reading.

**SB 229**, relative to a Martin Luther King Human Rights Day. **OUGHT TO PASS WITH AMENDMENT.**

This bill is a compromise reflecting input from every portion of the ideological spectrum. As such, this bill meets the desire of all to honor the cause of Civil Rights and its leaders in a manner broadly acceptable to all. Under the amendment the third Monday in January will be designated as Civil Rights Day. Vote 14-0. Rep. John J. Sytek for Executive Departments and Administration.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing Civil Rights Day and abolishing Fast Day.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose and Intent. Notwithstanding the provisions of this act, it is not the intent of the general court in establishing Civil Rights Day to create an additional paid holiday for state employees.

2 Holiday Replacing Fast Day. RSA 288:1 is repealed and reenacted to read as follows:

288:1 Holidays. January 1; the third Monday in January, known as Civil Rights Day; the third Monday in February, known as Washington's Birthday; May 30, known as Memorial Day; July 4, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; the day on which the biennial election is held; November 11, known as Veterans Day; Thanksgiving Day, whenever appointed; and Christmas Day are legal holidays.

3 Civil Rights Day Holiday Established. In recognition of the courage, determination, and personal sacrifice of the many people from a variety of cultural backgrounds who fought and died in the struggle to gain freedom and equality for all individuals; and to celebrate these freedoms in a manner consistent with every individual's constitutional rights to free speech and liberty, this law seeks to honor those persons who have dedicated or will dedicate their lives to the issue of equality for all by establishing the third Monday in January as Civil Rights Day in New Hampshire. This recognized celebration of civil rights seeks to educate society, in an impartial manner, against prejudice.

4 Holiday Falling on Sunday. Amend RSA 288:2 to read as follows:

288:2 Falling on Sunday. When any holiday listed in RSA 288:1 falls on Sunday, the following day shall be observed as a holiday. *For the purposes of state employee contracts, Civil Rights Day shall have the same status as Fast Day.*

5 Effective Date. This act shall take effect July 1, 1991.

## AMENDED ANALYSIS

This bill establishes the third Monday in January as Civil Rights Day. The bill also rearranges the wording of RSA 288:1 so that holidays are listed in chronological order.

Rep. Dickinson moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

**(Deputy Michael Hill in the Chair)**

Rep. John Sytek spoke against and yielded to questions.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Domaingue spoke against.

Rep. Lewis spoke in favor.

Rep. Ward spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 91****NAYS 262****YEAS 91  
BELKNAP**

Accornero, Harry  
Rosen, Ralph J.  
Ziegra, Alice S.

Dewhirst, Glenn E.  
Turner, Robert H.

Golden, Paul A.  
Zaharchuk, Peter J., Jr.

**CARROLL**

Allard, Nanci A.  
Dickinson, Howard C.  
Wiggin, Allen R.

Beach, Mildred A.  
Foster, Robert W.  
Wiggin, Gordon E.

Chandler, Gene G.  
Jean, Robert R.

**CHESHIRE**

Cole, Stacey W.

**COOS**

Brungot, Catherine V.  
Merrill, Gerald P.

Buckley, C. Fitzgerald  
Therault, Romeo J.

Guay, Lawrence J.

**GRAFTON**

Christy, C. Dana  
White, Paul R.

Nielsen, Niels F., Jr.

Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Andrews, Frederick B.  
Fenton, James J.  
Gagnon, Gabrielle V.  
Jasper, Shawn N.  
Lawrence, Norman B.  
Mercer, Robert S.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Vanderlosk, Stanley R.

Calawa, Leon, Jr.  
Ferlan, Arthur P.  
Greenglass, Alan B.  
Kurk, Neal M.  
McCann, Bonnie Lou  
Packard, Bonnie B.  
Riley, Frances L.  
Smith, Leonard A.  
Wheeler, David K.

Daigle, Robert A.  
Fields, Dennis H.  
Healy, Daniel J.  
Lawrence, Eva M.  
McRae, Karen K.  
Pepino, Leo P.  
Sallada, Roland A.  
Steiner, Lee Anne  
Wright, George W.

**MERRIMACK**

Lewis, Mary Ann  
Stapleton, Henry F.

Millard, Elizabeth S.  
Whittemore, James A.

Smith, Gerald R.



**ROCKINGHAM**

Benton, Richardson D.  
Chulack, Peter G., Sr.  
Felch, Charles H., Sr.  
Haynes, Richard  
Lovejoy, Virginia K.  
Melnick, Roy E.  
Seward, Russell G.

Brown, Jeffrey M.  
Drake, Herbert R.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
MacKinnon, Nancy W.  
Palazzo, Frank J.  
Simon, Peter M.

Campbell, Marilyn R.  
Falwell, Robert V.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
McKinney, Betsy  
Raynowska, Bernard J.  
Weyler, Kenneth L.

**STRAFFORD**

Appleby, James E.  
Sullivan, Henry P.  
Vincent, Francis C.

Bickford, Drucilla  
Swope, Warren L.  
Young, John B.

Douglass, Clyde J.  
Tsiros, William

**SULLIVAN**

Domini, Irene C.  
Rodeschin, Beverly T.

Krueger, Richard H.  
Stamatakis, Carol M.

Lindblade, Eric N.

**NAYS 262****BELKNAP**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.

Hawkins, Robert S.  
Joscelyn, William W.  
Salatiello, Thomas B.

**CARROLL**

Bradley, Jeb E.  
Saunders, Howard N.

Daly, Robert J., Jr.

Dodge, A. Gibb, Jr.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Doucette, Richard F.  
Grodin, Richard A.  
Kennison, Wayne A.  
Laurent, John J.  
Pearson, Gertrude B.

Champagne, Richard L.  
Crutchley, Donald O.  
Feuer, Joseph N.  
Hogan, James B.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Pratt, Irene A.

Clark, Eugene W.  
DePecol, Benjamin J.  
Foster, Katherine D.  
Hunt, John B.  
LaMar, David M.  
Metzger, Katherine H.  
Spear, Susan S.

**COOS**

Burns, Harold W.  
Kilbride, Dennis J.  
Nelson, Harold D.

Coulombe, Henry W.  
Marsh, Beaton  
Oliver, Terry D.

Horton, Lynn C.  
Mayhew, Josephine  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
Hill, Richard L.  
Markley, J. Keith  
Scanlan, David M.  
Trelfa, Richard T.

Arnesen, Deborah L.  
Brown, Patricia B.  
Dow, David  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Wadsworth, Karen O.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Baker, George H., Sr.  
 Bowers, Dorothy C.  
 Chasse, Richard D.  
 Cote, David E.  
 Daniels, Gary L.  
 Dodge, Emma M.  
 Drabinowicz, A. Theresa  
 Dyer, Merton S.  
 Ferguson, Charles  
 Gagnon, Eugene L.  
 Green, Scott E.  
 Hall, Betty B.  
 Holden, Carol H.  
 Johnson, Lionel W.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Laughlin, J. Francis  
 Lown, Elizabeth D.  
 McDowell, James E.  
 Moore, Elizabeth A.  
 O'Rourke, Joanne A.  
 Perham, Lester R.  
 Record, Alice B.  
 Rodgers, G. Philip  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 White, John M.

Ahrens, Frederick G.  
 Barood, Benjamin C.  
 Buckley, Raymond  
 Clemons, Jane A.  
 Cowenhoven, Garret P.  
 Desrochers, Gerard T.  
 Domaingue, Jacquelyn M.  
 Drolet, Paul L.  
 Elliott, Larry G.  
 Ford, Nancy M.  
 Gosselin, Gerald O.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 Hultgren, David D.  
 Jordan, Mary H.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Leclerc, Charles J.  
 Lozeau, Donnalee M.  
 McNerney, Daniel P.  
 Murphy, Robert E.  
 Ouellette, Robert O.  
 Peters, Stanley W.  
 Reidy, Frank J.  
 Rothhaus, Finlay C.  
 Tarpley, Nancy L.  
 Upton, Barbara A.

Alukonis, David J.  
 Bourque, Ann J.  
 Burke, Stephen J.  
 Cook, Valerie S.  
 Crotty, Edward J.  
 Desrosiers, William J.  
 Donovan, Francis X.  
 Durham, Susan B.  
 Emerton, Lawrence A.  
 Gage, Ruth E.  
 Goulet, Maurice E.  
 Haetenschwiller, Alphonse  
 Healy, Walter F.  
 Janas, Gregory  
 Keane, Cornelius J.  
 King, Frank P.  
 Larochelle, Roger B.  
 Lefebvre, Roland J.  
 Mason, Howard F.  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Paquette, Rodolphe G.  
 Pignatelli, Debora B.  
 Robinson, Ellen-Ann  
 Soucy, Donna M.  
 Tate, Joan C.  
 Wheeler, Robert L.

**MERRIMACK**

Apple, Lowell D.  
 Boucher, Laurent J.  
 Chandler, Earle W.  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Jacobson, Alf E.  
 Kidder, William F.  
 Molner, Mary E.  
 Stio, Peter M.  
 Wallner, Mary Jane

Asplund, Bronwyn L.  
 Braiterman, Thea  
 Chandler, John P.  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Johnson, C. William  
 Letourneau, George E.  
 Nichols, Avis B.  
 Teague, Bert  
 Weeks, John F., Jr.

Barberia, Richard A.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, Joyce M.  
 Lockwood, Robert A.  
 Soldati, Jennifer G.  
 Trombly, Rick A.  
 Yeaton, Charles B.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Bucu, Stephen W.  
 Clark, Martha Fuller  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Coffey, John J.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Flanders, Harry E.

Boucher, William P.  
 Christie, Andrew, Jr.  
 Connell, David R.  
 DiPietro, Carmela M.  
 Dube, LeRoy S.  
 Greene, Elizabeth A.

Griebsch, Linda  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Rubin, George R.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Welch, David A.

Hurst, Sharleene P.  
 Johnson, Robert A.  
 Keith, Brenda E.  
 MacDonald, Joseph A.  
 McCain, William F.  
 Packard, Sherman A.  
 Schanda, Joseph, Sr.  
 Smith, Arthur W.  
 Sytek, John J.  
 Vaughn, Charles L.  
 Woods, Deborah L.

Hutchinson, Karen K.  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Rosencrantz, James R.  
 Senter, Merilyn P.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Warburton, Calvin

### STRAFFORD

Brown, Julie M.  
 Frechette, Roland A.  
 Hashem, Elaine M.  
 Kinney, Paula J.  
 McCann, William H., Jr.  
 O'Brien, John  
 Torr, Ann M.  
 Wheeler, Katherine W.

Flynn, Edward J.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 Marston, Robert E.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Torr, Ralph W.

Foss, Patricia H.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 Martling, W. Kent  
 Nehring, William H.  
 Spencer, Leo J.  
 Wall, Janet G.

### SULLIVAN

Allison, David C.  
 Flint, Gordon B.  
 Peyron, Fredrik  
 Walsh, Robert R.

Behrens, Thomas A.  
 Harland, Jane A.  
 Schotanus, Merle W.

Burling, Peter Hoe  
 Middleton, John A.  
 Tetu, Michael A.

and the motion lost.

The question was on the Committee amendment.

Rep. Ward spoke in favor.

Rep. Arnesen spoke against and yielded to questions.

Rep. O'Brien yielded to questions.

Rep. Ward spoke a second time.

Roll call request sufficiently seconded.

### YEAS 243

#### YEAS 243

#### BELKNAP

Accornero, Harry  
 Campbell, Richard H., Jr.  
 Joscelyn, William W.  
 Salatiello, Thomas B.  
 Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
 Holbrook, Robert G.  
 Rice, Thomas E. P., Jr.  
 Turner, Robert H.

### NAYS 105

Cain, Thomas G.  
 Johnson, Carl R.  
 Rosen, Ralph J.  
 Vogler, Charles C.

### CARROLL

Beach, Mildred A.  
 Dodge, A. Gibb, Jr.  
 Wiggin, Allen R.

Bradley, Jeb E.  
 Foster, Robert W.  
 Wiggin, Gordon E.

Daly, Robert J., Jr.  
 Saunders, Howard N.

**CHESHIRE**

Clark, Eugene W.  
Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.

Cole, Kenneth A.  
Doucette, Richard F.  
Kennison, Wayne A.  
Metzger, Katherine H.

Cole, Stacey W.  
Grodin, Richard A.  
LaMar, David M.  
Pearson, Gertrude B.

**COOS**

Buckley, C. Fitzgerald  
Guay, Lawrence J.  
Marsh, Beaton  
Oliver, Terry D.

Burns, Harold W.  
Horton, Lynn C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Nelson, Harold D.  
Theriault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Hill, Richard L.  
Markley, J. Keith  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Dow, David  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ackerman, Philip M.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Daigle, Robert A.  
Dodge, Emma M.  
Drolet, Paul L.  
Elliott, Larry G.  
Ferguson, Charles  
Gagnon, Eugene L.  
Goulet, Maurice E.  
Healy, Walter F.  
Janas, Gregory  
Keane, Cornelius J.  
King, Frank P.  
Laroche, Roger B.  
Lawrence, Norman B.  
Mason, Howard F.  
Mercer, Robert S.  
Ouellette, Robert O.  
Perham, Lester R.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.  
Vanderlosk, Stanley R.

Ahrens, Frederick G.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gagnon, Gabrielle V.  
Greenglass, Alan B.  
Holden, Carol H.  
Jasper, Shawn N.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
Messier, Irene M.  
Packard, Bonnie B.  
Peters, Stanley W.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Steiner, Lee Anne  
Turgeon, Roland M.  
Wheeler, Robert L.

Bourque, Ann J.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Fenton, James J.  
Ford, Nancy M.  
Gosselin, Gerald O.  
Hall, Betty B.  
Hultgren, David D.  
Johnson, Lionel W.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McRae, Karen K.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Record, Alice B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Stiles, Walter A.  
Upton, Barbara A.  
Wright, George W.



**MERRIMACK**

|                       |                      |                      |
|-----------------------|----------------------|----------------------|
| Apple, Lowell D.      | Asplund, Bronwyn L.  | Barberia, Richard A. |
| Boucher, Laurent J.   | Carter, Susan D.     | Chandler, Earle W.   |
| Chandler, John P.     | Daneault, Gabriel J. | Fair, Patricia A.    |
| Fillion, Paul R.      | Gross, Caroline L.   | Hager, Elizabeth S.  |
| Hayes, Robert C.      | Johnson, C. William  | Kidder, William F.   |
| Letourneau, George E. | Lewis, Mary Ann      | Lockwood, Robert A.  |
| Millard, Elizabeth S. | Nichols, Avis B.     | Stio, Peter M.       |
| Teague, Bert          |                      |                      |

**ROCKINGHAM**

|                        |                         |                        |
|------------------------|-------------------------|------------------------|
| Barnes, John S., Jr.   | Bell, Juanita L.        | Boucher, William P.    |
| Brown, Jeffrey M.      | Buco, Stephen W.        | Campbell, Marilyn R.   |
| Christie, Andrew, Jr.  | Chulack, Peter G., Sr.  | Clark, Martha Fuller   |
| Coffey, John J.        | Connell, David R.       | Cooke, Annette M.      |
| Cote, Patricia L.      | DiPietro, Carmela M.    | Dowd, Sandra K.        |
| Dowling, Patricia A.   | Drake, Herbert R.       | Dube, LeRoy S.         |
| Felch, Charles H., Sr. | Flanagan, Natalie S.    | Flanders, Harry E.     |
| Flanders, John W., Sr. | Gage, Beverly A.        | Greene, Elizabeth A.   |
| Griebsch, Linda        | Hoelzel, Kathleen M.    | Hutchinson, Karen K.   |
| Hynes, Carolyn E.      | Johnson, Robert A.      | Katsakiores, George N. |
| Keith, Brenda E.       | Klemarczyk, Thaddeus E. | Klemm, Arthur P., Jr.  |
| MacKinnon, Nancy W.    | Magoon, Harold F.       | Malcolm, Kenneth W.    |
| McCain, William F.     | McCarthy, John J., Jr.  | McGovern, Cynthia A.   |
| McKinney, Betsy        | Melnick, Roy E.         | Rosencrantz, James R.  |
| Rubin, George R.       | Schanda, Joseph, Sr.    | Senter, Marilyn P.     |
| Seward, Russell G.     | Skinner, Patricia M.    | Smith, Arthur W.       |
| Syracusa, Anthony      | Sytek, Donna P.         | Sytek, John J.         |
| Tufts, Arthur          | Warburton, Calvin       | Welch, David A.        |
| Woods, Deborah L.      |                         |                        |

**STRAFFORD**

|                     |                   |                      |
|---------------------|-------------------|----------------------|
| Appleby, James E.   | Corte, Arthur B.  | Douglass, Clyde J.   |
| Flynn, Edward J.    | Foss, Patricia H. | Frechette, Roland A. |
| Kinney, Paula J.    | Martling, W. Kent | Nehring, William H.  |
| Pageotte, Donald P. | Swope, Warren L.  | Torr, Ann M.         |
| Torr, Ralph W.      | Tsiros, William   | Vincent, Francis C.  |
| Wall, Janet G.      | Young, John B.    |                      |

**SULLIVAN**

|                     |                       |                     |
|---------------------|-----------------------|---------------------|
| Behrens, Thomas A.  | Domini, Irene C.      | Flint, Gordon B.    |
| Krueger, Richard H. | Lindblade, Eric N.    | Middleton, John A.  |
| Peyron, Fredrik     | Rodeschin, Beverly T. | Schotanus, Merle W. |

**NAYS 105****BELKNAP**

|                    |                 |                     |
|--------------------|-----------------|---------------------|
| Dewhirst, Glenn E. | Golden, Paul A. | Maviglio, Steven R. |
| Ziegra, Alice S.   |                 |                     |

**CARROLL**

|                  |                   |                      |
|------------------|-------------------|----------------------|
| Allard, Nanci A. | Chandler, Gene G. | Dickinson, Howard C. |
| Jean, Robert R.  |                   |                      |

**CHESHIRE**

Burnham, Daniel M.  
Feuer, Joseph N.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Champagne, Richard L.  
Foster, Katherine D.  
Lynch, Margaret A.  
Spear, Susan S.

DePecol, Benjamin J.  
Hunt, John B.  
Morse, Jo Ann T.

**COOS**

Brungot, Catherine V.

Mayhew, Josephine

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.

Chambers, Mary P.  
White, Paul R.

Christy, C. Dana

**HILLSBOROUGH**

Alukonis, David J.  
Baroody, Benjamin C.  
Clemons, Jane A.  
Drabinowicz, A. Theresa  
Green, Scott E.  
Healy, Daniel J.  
Leclerc, Charles J.  
McNerney, Daniel P.  
O'Rourke, Joanne A.  
Smith, Leonard A.  
White, John M.

Andrews, Frederick B.  
Buckley, Raymond  
Cote, David E.  
Fields, Dennis H.  
Gureckis, Adam C., Sr.  
Jordan, Mary H.  
Lozeau, Donnalee M.  
Moore, Elizabeth A.  
Pignatelli, Debora B.  
Soucy, Donna M.

Baker, George H., Sr.  
Burke, Stephen J.  
Daniels, Gary L.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Kurk, Neal M.  
McDowell, James E.  
Nardi, Theodora P.  
Reidy, Frank J.  
Wheeler, David K.

**MERRIMACK**

Braiterman, Thea  
Hall, Douglas E.  
Molner, Mary E.  
Stapleton, Henry F.  
Weeks, John F., Jr.

Christie, Thomas J.  
Jacobson, Alf E.  
Smith, Gerald R.  
Trombly, Rick A.  
Whittemore, James A.

Dunn, Miriam D.  
Johnson, Joyce M.  
Soldati, Jennifer G.  
Wallner, Mary Jane  
Yeaton, Charles B.

**ROCKINGHAM**

Benton, Richardson D.  
Haynes, Richard  
Kane, Cecelia D.  
Raynowska, Bernard J.  
Vaughn, Charles L.

Falwell, Robert V.  
Hoar, John, Jr.  
Lovejoy, Virginia K.  
Simon, Peter M.  
Weyler, Kenneth L.

Ford, Bert H.  
Hurst, Sharleene P.  
MacDonald, Joseph A.  
Terninko, Margaret B.

**STRAFFORD**

Bickford, Drucilla  
Hashem, Elaine M.  
Marston, Robert E.  
O'Brien, John  
Wheeler, Katherine W.

Gilmore, Gary R.  
Jankowski, Peter M.  
McCann, William H., Jr.  
Spencer, Leo J.

Hambrick, Patricia A.  
Keans, Sandra B.  
Merrill, Amanda A.  
Sullivan, Henry P.

**SULLIVAN**

Allison, David C.  
Stamatakis, Carol M.

Burling, Peter Hoe  
Tetu, Michael A.

Harland, Jane A.  
Walsh, Robert R.

and the amendment was adopted.

Report adopted.

Ordered to third reading.

Reps. Daniels and Baroody notified the Clerk that they inadvertently voted nay and meant to vote yea.

**SB 169, prohibiting steel leg traps. INEXPEDIENT TO LEGISLATE.**

The Committee feels that legalized trapping is an important tool in wildlife management. If we are to preserve our endangered species of wildlife and prevent the overpopulation of any species, trapping is the one way to preserve all species in a healthy state for our citizens to enjoy. Uncontrolled growth in some species could have a serious impact on the towns and cities faced with clogged sewers and flooded roads. Vote 18-1. Rep. Lester R. Perham for Fish and Game.

Rep. Tetu moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. Maviglio moved that debate be limited to 30 minutes on each side, excluding questions.

Adopted.

Rep. Tetu spoke in favor and yielded to questions.

Rep. Theriault spoke against and yielded to questions.

Rep. Martling spoke in favor.

Rep. Marilyn Campbell spoke against.

Rep. Katherine Wheeler spoke in favor and yielded to questions.

Rep. Kinney spoke against and yielded to questions.

Rep. Apple spoke in favor.

Reps. Richard Hill and Scanlan spoke against and yielded to questions.

Rep. Barnes spoke in favor.

Rep. Perham spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 111**

**NAYS 231**

**YEAS 111  
BELKNAP**

Dewhirst, Glenn E.

Salatiello, Thomas B.

Ziegra, Alice S.

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel M.

Clark, Eugene W.

Cole, Kenneth A.

Doucette, Richard F.

Kingsbury, H. Thayer

Lynch, Margaret A.

Metzger, Katherine H.

Morse, Jo Ann T.

Pratt, Irene A.

Spear, Susan S.

**COOS**

Buckley, C. Fitzgerald

**GRAFTON**

Adams, Carl S.

Arnesen, Deborah L.

Bean, Pamela B.

Chambers, Mary P.

Copenhaver, Marion L.

Nordgren, Sharon L.

**HILLSBOROUGH**

Ackerman, Philip M.

Bourque, Ann J.

Bowers, Dorothy C.

Buckley, Raymond

Clemons, Jane A.

Cote, David E.

Crotty, Edward J.

Durham, Susan B.

Ferlan, Arthur P.

Ford, Nancy M.

Gage, Ruth E.

Gagnon, Gabrielle V.

Green, Scott E.  
Hall, Betty B.  
Kelley, Dana F.  
Lozeau, Donnalee M.  
O'Rourke, Joanne B.  
Pignatelli, Debora B.  
Rheault, Lillian I.  
Upton, Barbara A.

Gureckis, Adam C., Sr.  
Janas, Gregory  
Leclerc, Charles J.  
Mason, Howard F.  
Ouellette, Robert O.  
Record, Alice B.  
Robinson, Ellen-Ann

Haettenschwiller, Alphonse  
Jordan, Mary H.  
Lown, Elizabeth D.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Reidy, Frank J.  
Soucy, Donna M.

### MERRIMACK

Apple, Lowell D.  
Chandler, John P.  
Hager, Elizabeth S.  
Johnson, C. William  
Soldati, Jennifer G.  
Yeaton, Charles B.

Asplund, Bronwyn L.  
Fair, Patricia A.  
Hall, Douglas E.  
Johnson, Joyce M.  
Teague, Bert

Carter, Susan D.  
Gross, Caroline L.  
Jacobson, Alf E.  
Molner, Mary E.  
Wallner, Mary Jane

### ROCKINGHAM

Barnes, John S., Jr.  
Christie, Andrew, Jr.  
Dowling, Patricia A.  
Hutchinson, Karen K.  
MacDonald, Joseph A.  
Syracusa, Anthony  
Weyler, Kenneth L.

Bell, Juanita L.  
Connell, David R.  
Griebsch, Linda  
Hynes, Carolyn E.  
McGovern, Cynthia A.  
Terninko, Margaret B.

Caswell, Albert, Jr.  
Cooke, Annette M.  
Hurst, Sharleene P.  
Kane, Cecelia D.  
McKinney, Betsy  
Vaughn, Charles L.

### STRAFFORD

Bickford, Drucilla  
Hambrick, Patricia A.  
Marston, Robert E.  
Merrill, Amanda A.  
Spencer, Leo J.  
Torr, Ralph W.

Corte, Arthur B.  
Hashem, Elaine M.  
Martling, W. Kent  
O'Brien, John  
Sullivan, Henry P.  
Wall, Janet G.

Gilmore, Gary R.  
Keans, Sandra B.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Torr, Ann M.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Tetu, Michael A.

Burling, Peter Hoe

Harland, Jane A.

### NAYS 231 BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Bartlett, Gordon E.  
Golden, Paul A.  
Joscelyn, William W.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

Cain, Thomas G.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Turner, Robert H.

### CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Allen R.

Bradley, Jeb E.  
Dickinson, Howard C.  
Jean, Robert R.  
Wiggin, Gordon E.



**CHESHIRE**

Champagne, Richard L.  
Feuer, Joseph N.  
Hogan, James B.  
Laurent, John J.

Cole, Stacey W.  
Foster, Katherine D.  
Hunt, John B.  
Pearson, Gertrude B.

Crutchley, Donald O.  
Grodin, Richard A.  
Kennison, Wayne A.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Marsh, Beaton  
Nelson, Harold D.  
Theriault, Romeo J.

Burns, Harold W.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Pratt, Leighton C.

**GRAFTON**

Brown, Channing T.  
Dow, David  
LaMott, Paul I.  
Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Brown, Patricia B.  
Driscoll, William J.  
Lougee, Richard W.  
Stewart, Roger D.  
Wadsworth, Karen O.  
White, Paul R.

Christy, C. Dana  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Baroody, Benjamin C.  
Cook, Valerie S.  
Daniels, Gary L.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Ferguson, Charles  
Gosselin, Gerald O.  
Healy, Daniel J.  
Hultgren, David D.  
Keane, Cornelius J.  
Kurk, Neal M.  
Larochelle, Roger B.  
Lawrence, Norman B.  
McDowell, James E.  
Mercer, Robert S.  
Nardi, Theodora P.  
Perham, Lester R.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.  
Wheeler, David K.  
Wright, George W.

Alukonis, David J.  
Burke, Stephen J.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Goulet, Maurice E.  
Healy, Walter F.  
Jasper, Shawn N.  
Kelley, Robert N.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
McNerney, Daniel P.  
Messier, Irene M.  
Paquette, Rodolphe G.  
Peters, Stanley W.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Turgeon, Roland M.  
Wheeler, Robert L.

Andrews, Frederick B.  
Chasse, Richard D.  
Daigle, Robert A.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Fenton, James J.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Holden, Carol H.  
Johnson, Lionel W.  
King, Frank P.  
Lachut, Ervin R.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
McRae, Karen K.  
Murphy, Robert E.  
Pepino, Leo P.  
Riley, Frances L.  
Sallada, Roland A.  
Stiles, Walter A.  
Vanderlosk, Stanley R.  
White, John M.

**MERRIMACK**

Barberia, Richard A.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Trombly, Rick A.

Boucher, Laurent J.  
 Christie, Thomas J.  
 Fillion, Paul R.  
 Letourneau, George E.  
 Millard, Elizabeth S.  
 Stapleton, Henry F.  
 Weeks, John F., Jr.

Braiterman, Thea  
 Daneault, Gabriel J.  
 Hayes, Robert C.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Stio, Peter M.  
 Whittemore, James A.

**ROCKINGHAM**

Benton, Richardson D.  
 Campbell, Marilyn R.  
 Coffey, John J.  
 Dowd, Sandra K.  
 Falwell, Robert V.  
 Flanders, Harry E.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Roulston, Donald L.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Tufts, Arthur  
 Woods, Deborah L.

Boucher, William P.  
 Chulack, Peter G., Sr.  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Rubin, George R.  
 Seward, Russell G.  
 Sytek, Donna P.  
 Warburton, Calvin

Buco, Stephen W.  
 Clark, Martha Fuller  
 DiPietro, Carmela M.  
 Dube, LeRoy S.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Haynes, Richard  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McCain, William F.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Sytek, John J.  
 Welch, David A.

**STRAFFORD**

Appleby, James E.  
 Flynn, Edward J.  
 Jankowski, Peter M.  
 Swope, Warren L.  
 Young, John B.

Brown, Julie M.  
 Foss, Patricia H.  
 Kinney, Paula J.  
 Tsiros, William

Douglass, Clyde J.  
 Frechette, Roland A.  
 Nehring, William H.  
 Vincent, Francis C.

**SULLIVAN**

Behrens, Thomas A.  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Stamatakis, Carol M.  
 and the motion lost.  
 Report adopted.

Domini, Irene C.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.  
 Walsh, Robert R.

Flint, Gordon B.  
 Middleton, John A.  
 Schotanus, Merle W.

Rep. Martin notified the Clerk that she wished to be recorded in favor of the Committee report.

**(Speaker in the Chair)**

**SB 49**, relative to alternate zoning board of adjustment members. **OUGHT TO PASS.**

This bill provides that an elected Zoning Board of Adjustment may appoint three alternate members for a term of three years each. Under the present law, there is no provision for appointing alternates to an elected zoning board. This bill does not

change the method of naming alternates to appointed zoning boards where all the members are appointed. Vote 10-6. Rep. Thomas B. Salatiello for Municipal and County Government.

Adopted.

Ordered to third reading.

**SB 132-FN**, establishing a committee to study an early warning system for monitoring licensed nuclear power plants. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

MAJORITY: This bill calls for a study committee composed primarily of non-expert members to study the feasibility of an exercise in redundancy. The majority did not recommend passage. Vote 8-4. Reps. Alan B. Greenglass, Robert R. Jean and Thomas E. P. Rice for the Majority of Science, Technology and Energy.

MINORITY: Senate Bill 132 proposes a study committee to review radiation monitoring programs at the Seabrook Nuclear Power Plant. The study committee could allay concerns regarding safety and propose legislation if appropriate. The minority urges re-referral to look more closely at the make-up of the study committee and the scope of its inquiry. Reps. Arthur P. Ferlan, David C. Allison, Amanda A. Merrill and Gary R. Gilmore for the Minority of Science, Technology and Energy.

Rep. Gilmore moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Greenglass and McRae spoke against and yielded to questions.

Rep. Amanda Merrill spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

#### YEAS 89

#### NAYS 224

#### YEAS 89 BELKNAP

Golden, Paul A.

Maviglio, Steven R.

Salatiello, Thomas B.

#### CARROLL

Bradley, Jeb E.

#### CHESHIRE

Champagne, Richard L.

Cole, Kenneth A.

Doucette, Richard F.

Hunt, John B.

Kingsbury, H. Thayer

Morse, Jo Ann T.

Pearson, Gertrude B.

Pratt, Irene A.

Spear, Susan S.

#### COOS

Mayhew, Josephine

Theriault, Romeo J.

#### GRAFTON

Chambers, Mary P.

Copenhaver, Marion L.

Nordgren, Sharon L.

Teschner, Douglass P.

#### HILLSBOROUGH

Ackerman, Philip M.

Alukonis, David J.

Baroody, Benjamin C.

Bourque, Ann J.

Buckley, Raymond

Burke, Stephen J.

Clemons, Jane A.

Cote, David E.

Donovan, Francis X.

Durham, Susan B.

Ferlan, Arthur P.

Gagnon, Gabrielle V.

Gosselin, Gerald O.

Gureckis, Adam C., Sr.

Haettenschwiller, Alphonse

Hall, Betty B.

Janas, Gregory

Johnson, Lionel W.

Jordan, Mary H.  
Messier, Irene M.  
Paquette, Rodolphe G.  
Soucy, Donna M.

Lozeau, Donnalee M.  
Nardi, Theodora P.  
Reidy, Frank J.  
White, John M.

McDowell, James E.  
O'Rourke, Joanne A.  
Smith, Leonard A.

### MERRIMACK

Braiterman, Thea  
Jacobson, Alf E.  
Molner, Mary E.  
Yeaton, Charles B.

Dunn, Miriam D.  
Johnson, Joyce M.  
Soldati, Jennifer G.

Hall, Douglas E.  
Letourneau, George E.  
Wallner, Mary Jane

### ROCKINGHAM

Bell, Juanita L.  
DiPietro, Carmela M.  
Hurst, Sharleene P.  
McGovern, Cynthia A.  
Vaughn, Charles L.

Caswell, Albert, Jr.  
Dowling, Patricia A.  
Kane, Cecelia D.  
Syracusa, Anthony

Clark, Martha Fuller  
Griebisch, Linda  
MacDonald, Joseph A.  
Terninko, Margaret B.

### STRAFFORD

Gilmore, Gary R.  
Jankowski, Peter M.  
Merrill, Amanda A.  
Sullivan, Henry P.

Hambrick, Patricia A.  
Keans, Sandra B.  
Pageotte, Donald P.  
Wall, Janet G.

Hashem, Elaine M.  
McCann, William H., Jr.  
Spencer, Leo J.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Stamatakis, Carol M.

Burling, Peter Hoe  
Tetu, Michael A.

Harland, Jane A.  
Walsh, Robert R.

### NAYS 224

### BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Johnson, Carl R.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Joselyn, William W.  
Turner, Robert H.  
Ziegra, Alice S.

Cain, Thomas G.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

Beach, Mildred A.  
Dickinson, Howard C.  
Jean, Robert R.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

### CHESHIRE

Clark, Eugene W.  
Feuer, Joseph N.  
Kennison, Wayne A.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.

Crutchley, Donald O.  
Hogan, James B.  
Metzger, Katherine H.

### COOS

Brungot, Catherine V.  
Guay, Lawrence J.  
Marsh, Beaton  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Merrill, Gerald P.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Nelson, Harold D.



**GRAFTON**

|                      |                   |                         |
|----------------------|-------------------|-------------------------|
| Adams, Carl S.       | Bean, Pamela B.   | Brown, Channing T.      |
| Brown, Patricia B.   | Christy, C. Dana  | Dow, David              |
| Driscoll, William J. | Hill, Richard L.  | LaMott, Paul I.         |
| Lougee, Richard W.   | Markley, J. Keith | Nielsen, Niels F., Jr.  |
| Scanlan, David M.    | Stewart, Roger D. | Trelfa, Richard T.      |
| Wadsworth, Karen O.  | Ward, Kathleen W. | Whitcomb, Henry F., Jr. |
| White, Paul R.       |                   |                         |

**HILLSBOROUGH**

|                         |                          |                       |
|-------------------------|--------------------------|-----------------------|
| Ahrens, Frederick G.    | Andrews, Frederick B.    | Bowers, Dorothy C.    |
| Chasse, Richard D.      | Cook, Valerie S.         | Cowenhoven, Garret P. |
| Crotty, Edward J.       | Daigle, Robert A.        | Daniels, Gary L.      |
| Desrochers, Gerard T.   | Desrosiers, William J.   | Dodge, Emma M.        |
| Domaingue, Jacquelyn M. | Drabinowicz, A. Theresa  | Drolet, Paul L.       |
| Dyer, Merton S.         | Elliott, Larry G.        | Emerton, Lawrence A.  |
| Ferguson, Charles       | Fields, Dennis H.        | Ford, Nancy M.        |
| Gage, Ruth E.           | Gagnon, Eugene L.        | Goulet, Maurice E.    |
| Green, Scott E.         | Greenglass, Alan B.      | Healy, Daniel J.      |
| Healy, Walter F.        | Holden, Carol H.         | Hultgren, David D.    |
| Jasper, Shawn N.        | Keane, Cornelius J.      | Kelley, Dana F.       |
| Kelley, Robert N.       | King, Frank P.           | Kurk, Neal M.         |
| L'Heureux, Robert J.    | Lachut, Ervin R.         | Larochelle, Roger B.  |
| Laughlin, J. Francis    | Lawrence, Eva M.         | Lawrence, Norman B.   |
| Lown, Elizabeth D.      | Mason, Howard F.         | McCann, Bonnie Lou    |
| McNerney, Daniel P.     | McRae, Karen K.          | Mercer, Robert S.     |
| Murphy, Robert E.       | Ouellette, Robert O.     | Packard, Bonnie B.    |
| Pepino, Leo P.          | Perham, Lester R.        | Peters, Stanley W.    |
| Record, Alice B.        | Rheault, Lillian I.      | Riley, Frances L.     |
| Robinson, Ellen-Ann     | Rodgers, G. Philip       | Rothhaus, Finlay C.   |
| Sallada, Roland A.      | Searles, Stanley N., Sr. | Stiles, Walter A.     |
| Tarpley, Nancy L.       | Turgeon, Roland M.       | Upton, Barbara A.     |
| Vanderlosk, Stanley R.  | Wheeler, David K.        | Wheeler, Robert L.    |
| Wright, George W.       |                          |                       |

**MERRIMACK**

|                     |                       |                     |
|---------------------|-----------------------|---------------------|
| Apple, Lowell D.    | Barberia, Richard A.  | Boucher, Laurent J. |
| Carter, Susan D.    | Chandler, Earle W.    | Chandler, John P.   |
| Christie, Thomas J. | Daneault, Gabriel J.  | Fair, Patricia A.   |
| Fillion, Paul R.    | Gross, Caroline L.    | Hager, Elizabeth S. |
| Johnson, C. William | Kidder, William F.    | Lewis, Mary Ann     |
| Lockwood, Robert A. | Millard, Elizabeth S. | Nichols, Avis B.    |
| Smith, Gerald R.    | Stapleton, Henry F.   | Stio, Peter M.      |
| Weeks, John F., Jr. | Whittemore, James A.  |                     |

**ROCKINGHAM**

|                        |                        |                     |
|------------------------|------------------------|---------------------|
| Barnes, John S., Jr.   | Benton, Richardson D.  | Boucher, William P. |
| Buco, Stephen W.       | Chulack, Peter G., Sr. | Coffey, John J.     |
| Connell, David R.      | Cooke, Annette M.      | Cote, Patricia L.   |
| Drake, Herbert R.      | Dube, LeRoy S.         | Falwell, Robert V.  |
| Felch, Charles H., Sr. | Flanagan, Natalie S.   | Flanders, Harry E.  |

Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Hutchinson, Karen K.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Melnick, Roy E.  
 Rubin, George R.  
 Seward, Russell G.  
 Sytek, Donna P.  
 Warburton, Calvin

Ford, Bert H.  
 Hoar, John, Jr.  
 Hynes, Carolyn E.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Sytek, John J.  
 Weyler, Kenneth L.

Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McKinney, Betsy  
 Roulston, Donald L.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Tufts, Arthur  
 Woods, Deborah L.

#### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Frechette, Roland A.  
 Torr, Ann M.  
 Young, John B.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Kinney, Paula J.  
 Tsiros, William

Brown, Julie M.  
 Foss, Patricia H.  
 Nehring, William H.  
 Vincent, Francis C.

#### SULLIVAN

Domini, Irene C.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.  
 and the motion lost.  
 Report adopted.

Flint, Gordon B.  
 Middleton, John A.  
 Schotanus, Merle W.

Krueger, Richard H.  
 Peyron, Fredrik

Rep. Fenton notified the Clerk that he wished to be recorded in opposition to the substitute motion.

Reps. Marilyn Campbell and Pignatelli abstained from voting under Rule 16.

**SB 205-FN**, establishing a committee to study the enforcement of RSA 205-A.  
**MAJORITY: RE-REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.**

**MAJORITY:** There was much heated discussion on this Senate Bill, much discussion regarding the relative relationship between SB 205 and HB 695. A compromise was finally reached to possibly merge these two bills and arrive at some solution to the plight of the nearly 100,000 taxpaying New Hampshire residents living in mobile homes and mobile home parks throughout the state. It was further urged that this be done by the entire Committee and done as soon as possible. Vote 10-1. Rep. Lowell D. Apple for the Majority of State Institutions and Housing.

**MINORITY:** This Committee had previously re-referred HB 695 which addressed the same issues by actually proposing an instrument to carry out the task of enforcing RSA 205 as well as proposing a mechanism for financing it. The language of HB 695 was poor which was why it was re-referred so it could be reported out in an effective form next year. Any action that keeps SB 205 alive delays addressing the need of tenant home residents to have RSA 205 enforced. Rep. Scott E. Green for the Minority of State Institutions and Housing.

Re-referred to Committee.

**SB 32-FN**, permitting district and municipal courts to accept payment of fines by credit card. **OUGHT TO PASS WITH AMENDMENT.**

This bill allows district and municipal courts to accept payment of fines by credit card. The Committee amendment allows this privilege to all citizens, not just those

who have demonstrated an inability to pay. Vote 17-2. Rep. Nancy M. Ford for Judiciary.

### Amendment

Amend the bill by replacing section 1 with the following:

1 Fine Payment by Credit Card. Amend RSA 502-A:8 to read as follows:

502-A:8 Duties of Clerks; Disposition of Fines. The clerk shall receive all fines and forfeitures paid into the district court from any source. *The clerk of any district or municipal court may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is deposited in the general fund and not out of the penalty assessment charged by a district or municipal court.* After deducting witness fees, court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court, the clerk shall, except in cases otherwise provided, pay the same over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days. After deduction of expenses enumerated above, fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII; and RSA 105:6-7, shall be remitted within 14 days to the treasurer of the municipality prosecuting said violations, for the use of the municipality. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines collected shall be retained in their entirety by the local unit of government.

### AMENDED ANALYSIS

This bill allows district and municipal courts to accept payment of fines by credit card in lieu of cash payment.

Adopted.

Rep. Burling offered a floor amendment.

### Floor Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Rep. Burling spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**SB 181-FN**, relative to the number of winner take all bingo games allowed on one game date. **OUGHT TO PASS WITH AMENDMENT.**

This bill increases from two to four the number of winner take all bingo games a charitable organization may conduct, the state collects a seven percent tax on the winnings. The amendment increases the license fees for distributors of Lucky 7 tickets from \$2,500 to \$10,000 and for manufacturers from \$3,000 to \$5,000. The Fiscal Note calls for state revenue increases of \$225,000 in FY '92 and \$450,000 each year after. Vote 16-1. Rep. Lynn C. Horton for Regulated Revenues.

### Amendment

Amend the bill by replacing all after section 1 with the following:

2 Distributors and Manufacturers of Lucky 7 Tickets; License Fee Increased. Amend RSA 287-E:23, I to read as follows:

I. The applicant *for a distributor's license* shall pay to the commission an annual license or license renewal fee of [\$2,500] **\$10,000**. *Such fee shall authorize the distribution of lucky 7 or similar break-open tickets within the state of New Hampshire and the warehousing of lucky 7 or similar break-open tickets for subsequent sale out of state.*

3 Distributors Removed. Amend RSA 287-E:23, VI(a) to read as follows:

VI.(a) The commission shall issue a special license to [distributors or] manufacturers of lucky 7 or similar break-open tickets stored in the state [but sold out of state. Such special license shall be in addition to the license required under RSA 287-E:23 and shall be issued in conjunction with a license issued under RSA 287-E:23. No special license issued under this section shall be issued to a distributor who is not also licensed under paragraph I].

4 Manufacturers of Lucky 7 Tickets; License Fee Increased. Amend RSA 287-E:23, VI(c) to read as follows:

(c) The fee for such special license shall be [\$3,000] **\$5,000** per year or for any part of a year.

5 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill increases from 2 to 4 the number of winner take all bingo games which a charitable organization may conduct on any one game date in which the total amount paid by the players is divided among the winners of that game, after the payment of a 7 percent state tax on the winnings.

This bill increases various license application fees relative to the operation of bingo and lucky 7 games.

Rep. Ferlan moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Horton spoke against.

Reps. Ruth Gage and Fenton spoke in favor.

Rep. Robert Kelley spoke against.

On a division vote, 132 members having voted in the affirmative and 175 in the negative, the substitute motion lost.

Amendment adopted.

Report adopted.

Referred to Ways and Means.

### RESOLUTION

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 14, 1991 at 1:00 p.m.

Adopted.



**LATE SESSION****Third reading and final passage**

**SB 96**, relative to adoption.

**SB 43-FN**, establishing a committee to study utilization and management review and managed care.

**SB 57-FN**, relative to the review of New Hampshire corporate laws.

**SB 101-FN**, establishing a study committee relative to the industrial development authority.

**SB 150**, relative to partnerships and relative to foreclosures.

**SB 89**, relative to school district planning committees.

**SB 146**, relative to equipment and instruction programs for revolving funds for regional vocational centers.

**SB 33-FN**, relative to establishing a nonlapsing account for the New Hampshire technical institute and vocational technical colleges and creating the position of director of financial management.

**SB 214-FN**, exempting specialized programs or equipment of the Christa McAuliffe planetarium from the state's competitive bidding process.

**SB 47**, relative to emergency response personnel.

**SB 9-FN**, relative to a study of interactions between the mental health and criminal justice systems.

**SB 209-FN**, relative to issuance of a notice or citation by the probate court to a court-appointed fiduciary for failure to file an inventory or an account of administration and to requirements for notice to beneficiaries.

**SB 118-FN**, relative to the department of revenue administration.

**SB 78-FN**, relative to loans to municipalities from state revolving loan funds.

**SB 185-FN**, relative to liquor licenses for caterers and allowing caterers to subcontract the cooking, preparing, and serving of food.

**SB 206-FN**, relative to liquor licenses for caterers.

**SB 135-FN**, relative to recovering costs, fees, and expenses in certain takeovers of utilities.

**SB 139-FN**, relative to preventing damage to underground utility installations.

**SB 174-FN**, relative to possessing and dispensing prescription drugs by nonprofit family planning agencies.

**SB 229**, relative to a Martin Luther King Human Rights Day.

**SB 49**, relative to alternate zoning board of adjustment members.

**SB 32-FN**, permitting district and municipal courts to accept payment of fines by credit card.

**SUSPENSION OF RULES**

Rep. Ward moved that the rules be so far suspended as to permit the Committee on Executive Departments and Administration to report Senate Bills 158 and 182 after the deadline.

Adopted by the necessary two-thirds.

**ENROLLED BILLS REPORT**

**HB 310-FN**, increasing the hazardous waste transporter vehicle registration fee.

**HB 340**, relative to compliance with enabling legislation.

**HB 362-FN**, establishing the northeast conservation law enforcement compact.

**HB 550-FN**, relative to the withdrawal of accumulated contributions and retirement system membership.

**HB 673-FN**, reinstating the charter of Capital Leasing Company, Inc., and of Hagen and Spegiali, Inc.

**HB 723-FN**, relative to Concord - state cooperation.

**HB 743-FN**, relative to listing representatives to the general court on the ballot.

**SB 4-FN-A**, establishing a committee to study the New Hampshire state port authority and relative to international trade.

**SB 100**, relative to the simulcast wagering.

**HJR 1**, concerning the settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine.

Rep. Gross moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 6:25 p.m.

## RECESS

(Rep. Whitcomb in the Chair)

### ENROLLED BILLS REPORT

**SB 66**, relative to durable power of attorney for health care.

**SB 144-FN-A**, relative to the Women's War Memorial and making an appropriation therefor.

**SB 152**, relative to a joint New Hampshire-Quebec trade council.

**SB 89**, relative to school district planning committees.

**SB 135-FN**, relative to recovering costs, fees, and expenses in certain takeovers of utilities.

**HB 187**, including agents of investment advisors in the definition of "agent" under the securities laws.

**HB 329-FN-A**, relative to the business corporations act and appropriating funds for certain administrative expenses to be reimbursed by fees.

**HB 361**, repealing certain obsolete education laws.

**HB 381-FN-A**, relative to the recovery of legal fees incurred by the state.

**HB 441**, relative to the uniform limited offering exemption from securities registration and filing requirements.

**HB 442-FN**, authorizing the commissioner of agriculture to establish minimum price rates for small producers.

**HB 450**, relative to claims to dower and curtesy.

## RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 22**

Tuesday, May 14, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairsto.

Almighty God, who gives us far more than words can describe, may our every day begin with a prayer of thanksgiving for Your gifts. Help us now, we pray, to center our thoughts and our energies upon the tasks before us. Save us from unworthy distractions, help us to distinguish between the seemingly important and the genuinely important, and so guide our words and actions that all we do may serve to help make the Granite State a better place in which to live, both in our time and in the time of generations to come. Amen.

Rep. Appleby led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Feuerstein, Splaine, Parr, Steiner, Cornelius Keane, Bickford and Palazzo, the day, illness.

Reps. Spencer, Hashem, LaMar, Robert Foster, Holmes, David Young (military service), Guest, Shackett, Coffey, Douglass, Keith, Markley, Burke, Robert Wheeler, Bonnie McCann, Chulack, Golden, Stamatakis, Allen Wiggin, Bert Ford and Jeffrey Brown, the day, important business.

Reps. Ruth Gage and Metzger, the day, death in the family.

**INTRODUCTION OF GUESTS**

John Baroody and Sue McMaster, father and daughter of Rep. Baroody. Paul Plamondon, guest of Rep. Drabinowicz. Kathy and Patrick Scanlan, wife and infant son of Rep. Scanlan. School children from the Hooksett Village School, guests of Reps. Apple, Laurent Boucher and Thomas Christie. Ben Bennett, nephew of Rep. Bonnie Packard. Thomas and Philomene Haettenschwiller, nephew and guests of Rep. Haettenschwiller.

**ENROLLED BILLS AMENDMENTS**

**HB 244-FN**, establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory and punitive damages.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing a committee to examine whether the  
state commission for human rights should be  
authorized to levy administrative fines  
and award compensatory damages.

Adopted.

**SB 222-FN**, relative to a study of alternative transportation.

**Amendment**

Amend RSA 387:2-a as inserted by section 4 of the bill by replacing it with the following:

387:2-a Committee Extended. The Nashua passenger rail advisory committee established under 1989, 387:2 is extended, as a subcommittee of the alternative transportation study advisory committee established under section 2 of SB 222-FN of the 1991 regular session, until August 1, 1993. The subcommittee shall continue the planning process with the goal of implementing a rail service from Nashua to Lowell, Massachusetts. The subcommittee also may address questions concerning implementation costs, liability issues and the management and operation of such a service. Membership and guidelines for compensation established under 1989, 387:2 shall remain in effect for the subcommittee. The subcommittee shall submit a report to the committee for inclusion in the committee's report on or before August 1, 1993.

Adopted.

**SENATE MESSAGES****CONCURRENCE**

**HB 209-FN**, relative to conflicts between the municipal budget law and collective bargaining negotiations.

**HB 329-FN-A**, relative to the business corporations act and appropriating funds for certain administrative expenses to be reimbursed by fees.

**HB 419**, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton.

**HB 442-FN**, authorizing the commissioner of agriculture to establish minimum price rates for small producers.

**HB 710-FN**, relative to the regulation of tree stands, observation blinds, and pit blinds.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 133**, relative to the right to know law. (Amendment printed SJ 22, 5/7/91)

Rep. Martling moved that the House concur.

Adopted.

**HB 242-FN**, relative to the powers of county conventions. (Amendment printed SJ 21, 5/2/91)

Rep. Grodin moved that the House concur.

Adopted.



**HB 271-FN**, to study the purchasing policies of the technical institute and the technical colleges. (Amendment printed SJ 22, 5/7/91)

Rep. Skinner moved that the House Concur.

Adopted.

**HB 307-FN**, establishing a committee to review New Hampshire's bankruptcy laws. (Amendment printed SJ 22, 5/7/91)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Fair, Syracuse and Hunt.

**HB 311**, confirming an exemption from registration for securities listed on the National Association of Securities Dealers Automated Quotation National Market System. (Amendment printed SJ 22, 5/7/91)

Rep. Foss moved that the House concur.

Adopted.

**HB 363-FN**, relative to criminal record checks and fees charged for criminal record checks. (Amendment printed SJ 22, 5/7/91)

Rep. Martling moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, C. William Johnson, David Cote and Richard Campbell.

**HB 406**, relative to modification of support orders. (Amendment printed SJ 22, 5/7/91)

Rep. William McCain moved that the House concur.

Adopted.

**HB 684-FN-A**, regarding the committee to study conservation and preservation of state historic flags and making an appropriation therefor. (Amendment printed SJ 21, 5/2/91)

Rep. Benton moved that the House concur.

Adopted.

**HB 688**, relative to the Mount Washington Regional and the Berlin Municipal Airports. (Amendment printed SJ 22, 5/7/91)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Marsh, Horton and Kilbride.

**HB 767-FN**, relative to access to group health insurance policies. (Amendment printed SJ 22, 5/7/91)

Rep. Foss moved that the House concur.

Adopted.

## COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 83**, relative to the investment of public funds, was removed at the request of Rep. Foss.

**SB 67-FN**, relative to establishing a study committee to study the feasibility of revising the school building aid formula, was removed at the request of Rep. Jacobson.

**SB 138-FN**, establishing a committee to study the bidding process on state construction projects, was removed at the request of Rep. William McCann.

**SB 223**, relative to prohibiting the study committee established under 1989, 281:1 from considering whether to move or relocate the Dover toll plaza, was removed at the request of Rep. William McCann.

**SB 157-FN**, relative to bingo, was removed at the request of Rep. Rosencrantz.

**SB 196-FN**, relative to administrative revocation of motor vehicle licenses of persons under age 21, was removed at the request of Rep. Martling.

Consent Calendar adopted.

**SB 28-FN-A**, relative to promoting New Hampshire businesses and products internationally. **OUGHT TO PASS.**

This bill establishes an international trade promotion program, advisory committee, and international trade promotion fund, under the supervision of the Commissioner, Department of Resources and Economic Development. The trade promotion fund is not funded with state funds but provides DRED a fiscal mechanism to accept public and private sector donations for the purpose of promoting international trade. Vote 19-0. Rep. Merle W. Schotanus for Appropriations.

**SB 125-FN**, relative to child abuse and neglect proceedings. **OUGHT TO PASS WITH AMENDMENT.**

Senate Bill 125 requires that the person summoned in a child protection act matter receive notice of the description and explanation of the proceedings and sign a statement stating that such person understands the possible consequences to parental rights. Vote 15-0. Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice.

#### **Amendment**

Amend RSA 169-C:15, III-a as inserted by section 2 of the bill by replacing it with the following:

III-a. The court shall determine whether each person summoned having custody or control of the child understands the possible consequences to parental rights should the court find that the child has been abused and neglected. Each person shall sign a statement stating that such person understands the consequences to parental rights. Such statement shall be in a form to be determined by the court.

#### **AMENDED ANALYSIS**

This bill requires the summons in a child protection act matter to contain a description and explanation of the proceedings and a statement of the rights of each person summoned under RSA 169-C, RSA 170-C and under the rules of court.

This bill also requires the court to determine whether each person summoned understands the possible consequences to parental rights. Such person shall also sign a statement stating that he understands such consequences.

**SB 140-FN**, establishing a committee to study rate setting for certain services, placements, and programs. **OUGHT TO PASS WITH AMENDMENT.**

The Committee agrees that a study of the method of rate setting for certain services provided by the Department of Education and the Division for Children and Youth

Services is necessary. The amendment provides for representation from the New Hampshire Association of Counties, New Hampshire School Boards Association and a financial analyst. Vote 15-0. Rep. Ellen-Ann Robinson for Children, Youth and Juvenile Justice.

#### **Amendment**

Amend subparagraph I(h) and (i) as inserted by section 1 of the bill by replacing them with the following:

(h) The president of the New Hampshire Private Providers Association, appointed by such association, or designee.

(i) The executive director of the New Hampshire Association of Counties, or designee.

(j) The executive director of the New Hampshire School Boards Association, or designee.

(k) A financial analyst from the New Hampshire business community, appointed by the governor.

Amend paragraph II as inserted by section 1 of the bill by replacing it with the following:

II. All appointments under paragraph I shall be made within 30 days of the effective date of this act. The director of the division for children and youth services or his designee shall, within 45 days of the effective date of this act, call the first meeting of the task force. The committee shall elect a chair from among its members at the first meeting.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

**SB 22.** relative to changes in reimbursement requirements for psychologists. **ought to pass with amendment.**

The Committee voted 13-0 that this bill pass as amended. The bill meets the concerns of the psychologists who objected to being forced to support an organization whose goals they do not support. As amended, it also protects the interests of consumers by permitting a wider range of acceptable psychologists. Rep. James B. Hogan for Commerce, Small Business and Consumer Affairs.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to changes in requirements for psychologists.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Psychologist; Accident and Health Insurance. RSA 415:18-a, V(b) is repealed and reenacted to read as follows:

(b) "Psychologist" means a person who:

(1) Is certified under RSA 330-A as a psychologist or associate psychologist;

(2) Is certified or licensed under a statute in another state which meets or exceeds the standards under RSA 330-A; or

(3) Is certified or licensed in another state and is listed in the National Register of Health Service Providers in Psychology.

2 Definition of Psychologist; Hospital Service Corporations. RSA 419:5-a, IV(b) is repealed and reenacted to read as follows:

(b) "Psychologist" means a person who:

- (1) Is certified under RSA 330-A as a psychologist or associate psychologist;
- (2) Is certified or licensed under a statute in another state which meets or exceeds the standards under RSA 330-A; or
- (3) Is certified or licensed in another state or is listed in the National Register of Health Service Providers in Psychology.

3 Definition of Psychologist; Medical Service Corporations. RSA 420:5-a, IV(b) is repealed and reenacted to read as follows:

(b) "Psychologist" means a person who:

- (1) Is certified under RSA 330-A as a psychologist or associate psychologist;
- (2) Is certified or licensed under a statute in another state which meets or exceeds the standards under RSA 330-A; or
- (3) Is certified or licensed in another state or is listed in the National Register of Health Service Providers in Psychology.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill removes certain requirements that psychologists or associate psychologists had to meet before their services were reimbursable under certain insurance coverages for mental or nervous conditions.

This bill also grants reciprocity privileges for psychologists and associate psychologists from other states if the standards in those states meet or exceed New Hampshire's standards or such person is certified or licensed in another state and is listed in the National Register of Health Service Providers in Psychology.

**SB 37-FN**, relative to amending provisions of the voluntary corporation statute. **OUGHT TO PASS WITH AMENDMENT.**

Under this bill a voluntary corporation may amend its bylaws or be dissolved by a 2/3 vote of the membership. The bill specifically exempts churches from this provision of the bill. The word church is meant in a generic sense to include all bodies organized for corporate religious observance. Vote 12-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend section 10 of the bill by replacing it with the following:

10 Dissolution by 2/3 Vote. Amend RSA 292:10-a to read as follows:  
292:10-a Dissolution by Vote.

*1. Except as provided in paragraph II, whenever 2/3 of the membership or voting stock or both of any such corporation shall have voted [unanimously the dissolution of] to dissolve the corporation, then said corporation shall be automatically dissolved upon the filing with the secretary of state of a statement signed under the penalties of perjury by the treasurer and a majority of the directors or trustees setting forth (a) that [all] at least 2/3 of the members or stockholders voted dissolution; and (b) the plan for distribution of the corporation's assets and satisfaction of its obligations.*

*II. Whenever the voting membership of a church, organized under this chapter, shall have voted unanimously to dissolve the church, the church shall be automatically dissolved upon the filing with the secretary of state of a statement signed*



*under the penalties of perjury by the treasurer and a majority of the directors or trustees setting forth (a) that all members eligible to vote voted dissolution; and the plan for distribution of the church's assets and satisfaction of its obligations.*

#### AMENDED ANALYSIS

This bill expands the purposes for which a voluntary corporation may be organized to include recreational and athletic associations, broadens the requirements of the articles of agreement and allows for adoption and amendment of bylaws by a 2/3 majority of the shareholders or membership certificate holders.

The bill specifies the methods under which a voluntary corporation may generate funds and provides a procedure to protect and, if necessary, extinguish the interests of unknown shareholders or members.

The bill allows dissolution of a voluntary corporation on a 2/3 majority vote of the shareholders or membership certificate holders rather than a unanimous vote, except in the case of churches which still require an unanimous vote of the voting membership for dissolution.

This bill also specifies when stock may be considered abandoned and the procedures a corporation must use before the stock may be retained by the corporation as a capital asset.

**SB 59-FN**, relative to a state-sponsored credit card program. INEXPEDIENT TO LEGISLATE.

The Committee felt, as did the sponsor, that promotion funds were needed and the funding for the project was not in hand. Vote 13-0. Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs.

**SB 102-FN**, authorizing the bank commissioner to establish and administer a public deposit investment pool. OUGHT TO PASS.

This bill authorizes the Bank Commissioner, with the assistance of the advisory committee established under RSA 383:24, to establish and operate a public deposit investment pool. Participation can be by any governmental unit in the state. The pool will be operated by a private investment advisor approved by the Bank Commissioner and advisory board. Vote 12-2. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

**SB 155**, relative to mechanics' liens. OUGHT TO PASS.

This is a good bill for the protection of the small sub-contractor against any and all general contractors. Any lender or bank has to post in a conspicuous place the fact of their responsibility and allows all contractors or suppliers to notify such lender of their involvement. Vote 14-0. Rep. George H. Baker, Sr. for Commerce, Small Business and Consumer Affairs.

**SB 160**, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. INEXPEDIENT TO LEGISLATE.

The Committee found in examining the issue, the problems are varied and multifaceted. The Subcommittee is going to submit new legislation dealing with the real issues of financial structures and organizations. Vote 14-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

**SB 5-FN**, relative to Skyhaven airport. OUGHT TO PASS.

This legislation establishes a commission to be responsible for the oversight of the operation of Skyhaven Airport. The makeup of the commission is representative of the area served by the Airport, and this commission has no financial impact on state.

county or local revenue or expenditures. Vote 15-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

**SB 16-FN**, relative to the board of dental examiners. RE-REFER TO COMMITTEE.

The Committee felt that this bill in general was a fine bill; however, it has issues within it common to other boards that are currently under review, and as a result, the Committee would like to look at it again, together with other similar re-referred bills. Vote 12-0. Rep. Robert L. Wheeler for Executive Departments and Administration.

**SB 115-FN**, relative to livestock. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, limits the liability of towns and cities for injuries done to other animals or fowl by dogs. The bill requires that the owner sustaining damage must first seek reparation from the owner of the dog doing the damage or from insurance before submitting a claim to the city or town. Vote 13-1. Rep. Eugene W. Clark for Municipal and County Government.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to injuries done by dogs.

Amend the bill by replacing all after the enacting clause with the following:

1 Damage to Property by Dogs. Amend RSA 466:19 to read as follows:

466:19 Liability of Owner or Keeper. Any person to whom or to whose property, *including sheep, lambs, fowl, or other domestic creatures*, damage may be occasioned by a dog not owned or kept by him shall be entitled to recover such damage of the person who owns or keeps the dog, or has it in his possession, unless the damage was occasioned to him while he was engaged in the commission of a trespass or other tort. A parent or guardian shall be liable under this section if the owner or keeper of the dog is a minor.

2 Procedure to Enforce. Amend RSA 466:22 to read as follows:

466:22 Procedure to Enforce. Any person entitled to recover under RSA 466:21 may present a statement of such damage to one of the selectmen of a town, or to the clerk, mayor or one of the aldermen of a city, and the selectmen or board of mayor and aldermen shall thereupon make such investigation as they deem necessary to determine whether the damage was occasioned by dogs and the amount thereof if so occasioned. If they are of opinion that the damage was so occasioned *and that adequate recovery is not available from the owner of the dog or through insurance coverage*, they shall award the claimant the amount of his damages as found by them, and forthwith notify him of their award, and at the expiration of 60 days from such notice, if no action has been brought as hereinafter provided, they shall cause an order to be drawn in his favor upon the town or city treasurer for the amount so awarded. If they are of opinion that the damage was not so occasioned *or that adequate recovery is available from the owner of the dog or through insurance coverage*, they shall forthwith notify the claimant of the disallowance of the claim. In the absence or sickness of the mayor, it shall be the duty of any one of the aldermen of the city, who may be duly informed of damage supposed to have been done by dogs, to discharge forthwith the duties imposed by this section upon the mayor.

3 Remedies. RSA 466:27 is repealed and reenacted to read as follows:

466:27 Remedies. As a condition precedent to recovery under this subdivision, the owner of sheep, lambs, fowl, or other domestic creatures killed, driven away, wounded, or worried by dogs shall make reasonable efforts to locate and obtain recovery from the owner of the dog or to recover under applicable insurance coverage.

4 Killing Dogs. Amend RSA 466:28 to read as follows:

466:28 Killing Dogs Legalized. Any person may kill a dog that suddenly assaults him while he is peaceably walking or riding without the enclosure of its owner or keeper; and any person may kill a dog that is found out of the enclosure or immediate care of its owner or keeper worrying, wounding or killing [neat cattle,] sheep, *lambs*, *fowl*, or other domestic animals.

5 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill limits the liability of towns and cities for injuries done to other animals by dogs. The bill limits municipal liability to damage to sheep, lambs, fowl, or other domestic creatures for which the owner has no other reasonable means of recovery.

**SB 60-A**, creating a task force to study the Laconia - I-93 connector highway. REFER TO COMMITTEE.

Senate Bill 60 relates to the formation of a study committee relative to a Laconia I-93 connector. While the Committee is very sympathetic to the concerns addressed by the bill it feels that further study is needed to produce legislation to meet the needs of the communities affected. Testimony indicates that there are other possible solutions to these traffic problems, and Committee activity may need to be broadened with respect to better representation by the affected communities. Vote 13-0. Rep. A. Gibb Dodge for Public Works.

**SB 90-FN**, relative to the Salmon Falls Road in the cities of Somersworth and Rochester. OUGHT TO PASS.

This bill requires the Department of Transportation, Somersworth and Rochester city officials to meet and evaluate the possible reclassification of Salmon Falls Road from a class V to a class II highway. The road is a rural highway from Rochester to Berwick, Maine. Vote 12-0. Rep. Roland A. Frechette for Public Works.

**SB 165-FN**, relative to permit fees for excavating and dredging permits. OUGHT TO PASS WITH AMENDMENT.

The House amendment to SB 165 firms up an agreement between the Department of Transportation and the Wetlands Board controlling the cost of the wetlands application fee required for excavating and dredging. Vote 14-0. Rep. Beaton Marsh for Public Works.

#### Amendment

Amend RSA 482-A:3, X as inserted by section 1 of the bill by replacing it with the following:

X. The maximum cash application fee for the New Hampshire department of transportation shall be \$10,000 per application plus provisions for technical or consulting services or a combination of such services as necessary to meet the needs of the wetlands board. The Wetlands Board may enter into a memorandum of agreement with the New Hampshire Department of Transportation to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of their standard application fees.

**SB 167-FN**, establishing a committee to study the sequencing of the central turnpike projects. **INEXPEDIENT TO LEGISLATE.**

This Senate Bill would create a committee to study various aspects of the central New Hampshire turnpike widening project in Nashua. This project is set to receive permits this summer with certain portions of construction going out to bid this fall. To further study this project (which has been thoroughly considered throughout the public hearing process) could seriously delay the actual construction of this project which is vital to the turnpike system and the Nashua region. Vote 13-0. Rep. David J. Alukonis for Public Works.

**SB 168-FN**, establishing a committee to study the toll highway system. **INEXPEDIENT TO LEGISLATE.**

The Committee unanimously voted SB 168 Inexpedient to Legislate. The public members of the committee would only consist of residents of towns with existing or proposed toll booths, thereby creating an immediate problem in trying to create a balanced report.

House Bill 683 deals with complete studies of the entire transportation system in New Hampshire, and the Committee feels that the toll system will be reviewed by this blue ribbon study.

It should be noted that present toll rates are not only paying for existing roads and bridges, but anticipated expansion costs over the next few years. Vote 13-0. Rep. Gene G. Chandler for Public Works.

**SB 224**, relative to increasing the bonding authority for industrial development projects for the city of Dover. **OUGHT TO PASS.**

Senate Bill 224 will increase the bonding authority and authorize the city of Dover to proceed with a pending industrial park. Vote 14-0. Rep. Beaton Marsh for Public Works.

**SB 189-FN**, allowing raffles to be conducted at the same place as bingo games. **OUGHT TO PASS WITH AMENDMENT.**

This bill permits raffles to be conducted at the same time and in the same place as bingo games. It authorizes one license per year for 10 days to operate games of chance which 10 days need not be consecutive. It also increases wholesale cost of prizes not to exceed \$500. Vote 14-0. Rep. Lynn C. Horton for Regulated Revenues.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

allowing raffles to be conducted at the same place  
as bingo games and increasing raffle  
prize award wholesale costs.

Amend the bill by replacing all after the enacting clause with the following:

1 Consecutive Day Not Required. Amend RSA 287-D:5, I to read as follows:

I. An applicant for a license under this chapter shall apply to the chief of police, and upon payment of a fee of \$25 and if the applicant meets all other requirements of this chapter, a license shall be issued. The fee shall be paid to the city or town treasurer for the use of the city or town. Only one license shall be issued to each applicant per year to operate games of chance for [a period not to exceed] 10 days, *which 10 days need not be consecutive.*



2 Raffles Permitted. Amend RSA 287-E:7, to read as follows:

X. [No raffles or other games of chance] *Raffles* permitted under RSA 287-A and RSA 287-D *may be conducted at the same time and in the same place as a bingo game licensed under this chapter.* [or other games of chance, except as provided in RSA 287-A:8 through RSA 287-A:11 and RSA 287-E:16 through RSA 287-E:24, shall be conducted at the same time and in the same place as a bingo game licensed under this chapter.]

3 Raffle Prize Award Cost Increased. Amend RSA 287-A:10 to read as follows:

287-A:10 Prizes. Prizes awarded as any raffle held in conjunction with a bingo game shall not exceed [\$100] **\$500** wholesale cost.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill allows raffles to be conducted at the same time and in the same place as licensed bingo games. Current law prohibits such raffles, games of chance, and bingo games from being held at the same time and in the same location.

The bill increases from \$100 to \$500 the wholesale cost of prizes awarded as any raffle at a bingo game.

The bill also provides that the operation of games of chance under any license need not be held on consecutive days.

**SB 79-FN**, establishing a committee to study an expedited permit process for environmental permits. **OUGHT TO PASS.**

This bill establishes a committee to study an expedited process for environmental permits, when such permits are required with economic development. The study committee shall make its recommendations for any change to the Governor, Senate President and Speaker of the House before 12/31/91. Vote 10-1. Rep. Mary Ann Lewis for Resources, Recreation and Development.

**SB 114-FN**, requiring a report on certain water laws. **OUGHT TO PASS.**

The Committee completely agrees with the Senate in requesting a report concerning the rationale for continuing the corporate status of the Water Resources Council. Originally, the Water Resources Board was established as a private corporation in the late 1930s in order to issue bonds to finance the dam at Lake Francis, and it became the regulatory body of New Hampshire water resources. In 1986, the Board became advisory only, with all its former powers being transferred to the Department of Environmental Services. The question is: Why is it still a private corporation; what are the benefits and liabilities? Vote 14-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

**SB 107-FN**, relative to tenants' security deposits. **RE-REFER TO COMMITTEE.**

The bill addresses a serious problem, but every time an amendment is proposed to address flaws, the amendments themselves brought attention to other flaws in the bill that require attention. So, the best route is to re-refer this bill and come back with an improved version bill for next year. Vote 12-0. Rep. Scott E. Green for State Institutions and Housing.

**SB 191-FN**, relative to fines and to loss of driver's license and plates for court defaults. **OUGHT TO PASS WITH AMENDMENT.**

This bill allows for revocation of motor vehicle registration and plates effective 30 days after failure on default of payment of court-ordered fines or appearances. Vote 13-0. Rep. Sherman A. Packard for Transportation.

### Amendment

Amend the bill by replacing sections 2-4 with the following:

2 Reference to Revocation. Amend RSA 263:56-a, I(c) to read as follows:

(c) Fails to comply with a similar order of the director or a court on any matter within the director's or court's jurisdiction, his driver's license or resident or nonresident driving privilege *and in any motor vehicle case or related case the resident plates and motor vehicle registration shall be suspended or revoked only upon written consent of the director*, effective 30 days after such default or failure, except as provided in [paragraph] *subparagraph I(d)* of this section.

3 New Paragraph; Notice; Proof of Satisfaction. Amend RSA 263:56-a by inserting after paragraph I the following new paragraph:

I-a. The department shall cause written notice to be sent to any driver licensed by or person whose vehicle is registered by the state of New Hampshire who defaults as otherwise provided in this section on an appearance, summons, or court order issued in this state. Any person who defaults as provided in paragraph I(c) shall be required to produce proof of satisfaction of the default either in hand or through the court to the department.

4 Reference Added. Amend RSA 263:56-a, III(b) to read as follows:

(b) Appearance by such defendant, payment of his fine, or compliance with the order of the director, as applicable, or upon demonstration that such defendant is financially unable to pay the fine or to comply with the order. Any court which has ordered a suspension *or revocation* pursuant to paragraph II shall vacate the order and so notify the director and the affected defendant immediately after such defendant has appeared or paid his fine, as applicable, or has demonstrated that he is financially unable to pay the fine or to comply with the order.

### AMENDED ANALYSIS

This bill provides for license suspension or revocation and forfeiture of motor vehicle registration and license plates for failure to pay certain fees.

This bill also establishes the supplementary administrative fund into which are deposited certain license restoration fees collected by the division. The fund is to be used for administering the law relating to suspension or revocation of a driver's license or plates because of a default in this state.

The bill also authorizes courts to impose an administrative processing fee in the amount of \$50 against any person who defaults on a court appearance for any offense.

Referred to Appropriations

### REGULAR CALENDAR

**SB 3-A**, relative to exit 10 on the Spaulding turnpike and making an appropriation therefor. **OUGHT TO PASS.**

This bill adds \$100,000 to the one million dollars appropriated for the study of exit 10 on the Spaulding turnpike to defray additional environmental impact study costs. Exit 10 of the four lane east-west highway would intercept the Spaulding turnpike between existing exit 9 at Dover and exit 11 in Rochester. Vote 19-1. Rep. Charles L. Vaughn for Appropriations.

Adopted.

Ordered to third reading.

**SB 7-FN-A**, relative to an industrial research center at the university of New Hampshire. (A) OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, establishes an industrial research center at the University of New Hampshire to provide applied and basic research capability and technological transfer to support economic development in New Hampshire. Start-up funding was appropriated in the FY '91 supplemental budget. Vote 16-3. Rep. Merle W. Schotanus for Appropriations.

#### Amendment

Amend the bill by replacing section 2 with the following:

##### 2 Appropriations.

I. For the purposes of this act and notwithstanding the provisions of RSA 12-A:2-e, \$500,000 is appropriated to the oversight committee established in RSA 187-A:32 for the fiscal year ending June 30, 1992, from the New Hampshire economic development fund established in RSA 12-A:2-e. Of the sum appropriated, \$200,000 shall be considered start-up costs that shall not be subject to the dollar for dollar matching requirement under RSA 187-A:33.

II. For the fiscal year ending June 30, 1993, and notwithstanding the provisions of RSA 12-A:2-e, \$500,000 shall be appropriated to the oversight committee established in RSA 187-A:32 from the New Hampshire economic development fund, established in RSA 12-A:2-e, which shall be matched dollar for dollar from the operations of the center.

III. The department of resources and economic development is authorized to receive and expend funds, donations, grants or other moneys, gifts or bequests for the purposes of this act.

Rep. Ferguson spoke against.

Rep. Schotanus spoke in favor and yielded to questions.

On a division vote, 217 members having voted in the affirmative and 96 in the negative, the amendment was adopted.

Report adopted.

Ordered to third reading.

**SB 11-A**, appropriating funds for a new courthouse in Rockingham county. OUGHT TO PASS.

This bill makes an appropriation to the Department of Administrative Services for land acquisition, design, construction and furnishings of a new superior court in Rockingham County. A sum not exceeding \$11,165,000 will come from bonds and notes issued in the name of the State of New Hampshire in accordance with RSA 6-A. Vote 19-0. Rep. Charles L. Vaughn for Appropriations.

Adopted.

Ordered to third reading.

**SB 14-A**, relative to environmental and engineering studies and acquisition of rights-of-way for the construction of a truck lane on United States Route 2 in Jefferson, New Hampshire, and making an appropriation therefor. OUGHT TO PASS.

This bill provides for a much needed and timely improvement to make the "east-west" highway of the North country safe for rapidly increasing traffic loads. The bonded funds are a charge against the Highway Fund. Vote 19-0. Rep. Gerald P. Merrill for Appropriations.

Adopted.

Ordered to third reading.

**SB 18-FN-A**, relative to the conservation corps program and making an appropriation therefor. RE-REFER TO COMMITTEE ON EDUCATION.

This Committee has learned that available federal funds can be matched by private funds which are already earmarked; thus no public funds are required. On the other hand, there is a need for the state to prepare a plan for the longer term, hence the recommendation to Re-refer to the Committee on Education. Vote 20-0. Rep. John P. Chandler for Appropriations.

Re-referred to Committee.

**SB 41-A**, relative to the construction of a fire training academy for New Hampshire fire fighters and making an appropriation therefor, and relative to motor vehicle records fees. OUGHT TO PASS.

After 20 years of effort this bill establishes a fire academy. The House vote of 281-71 sent this bill to Appropriations. The Committee vote of 18-0 returns it for final passage. Rep. Paul I. LaMott for Appropriations.

Rep. Kenneth Cole moved that the words Re-refer to the Committee on Public Works be substituted for the report of the Committee, Ought to Pass and spoke in favor.

Rep. Hoar spoke against and yielded to questions.

Reps. Reidy and LaMott spoke against.

Roll call request sufficiently seconded.

The question being on the substitute motion.

#### YEAS 37

#### NAYS 308

#### YEAS 37 BELKNAP

Rice, Thomas E. P., Jr.

Rosen, Ralph J.

Zaharchuk, Peter J., Jr.

#### CARROLL

Allard, Nanci A.

Bradley, Jeb E.

Chandler, Gene G.

Dodge, A. Gibb, Jr.

Wiggin, Gordon E.

#### CHESHIRE

Cole, Kenneth A.

Hogan, James B.

Morse, Jo Ann T.

#### COOS

Marsh, Beaton

#### GRAFTON

Christy, C. Dana

McIlwaine, Deborah P.

#### HILLSBOROUGH

Alukonis, David J.

Andrews, Frederick B.

Daniels, Gary L.

Hall, Betty B.

Kurk, Neal M.

Lachut, Ervin R.

Lawrence, Norman B.

McNerney, Daniel P.

Perham, Lester R.

Rodgers, G. Philip

Stiles, Walter A.

Wheeler, David K.

#### MERRIMACK

None

#### ROCKINGHAM

Boucher, William P.

Drake, Herbert R.

Dube, LeRoy S.

MacKinnon, Nancy W.



**STRAFFORD**

Foss, Patricia H.  
Pelley, Janet R.

Marston, Robert E.  
Sullivan, Henry P.

O'Brien, John

**SULLIVAN**

Domini, Irene C.

Walsh, Robert R.

**NAYS 308****BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Salatiello, Thomas B.  
Vogler, Charles C.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

Cain, Thomas G.  
Hawkins, Robert S.  
Maviglio, Steven R.  
Turner, Robert H.

**CARROLL**

Beach, Mildred A.  
Jean, Robert R.

Daly, Robert J., Jr.  
Saunders, Howard N.

Dickinson, Howard C.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Stacey W.  
Feuer, Joseph N.  
Hunt, John B.  
Laurent, John J.  
Perry, David M.  
Sawyer, Alfred P.

Champagne, Richard L.  
Crutchley, Donald O.  
Foster, Katherine D.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Pratt, Irene A.  
Spear, Susan S.

Clark, Eugene W.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.  
Riley, William A.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Kilbride, Dennis J.  
Nelson, Harold D.  
Therault, Romeo J.

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Mayhew, Josephine  
Oliver, Terry D.

Coulombe, Henry W.  
Horton, Lynn C.  
Merrill, Gerald P.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Arnesen, Deborah L.  
Brown, Patricia B.  
Dow, David  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Wadsworth, Karen O.  
White, Paul R.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baker, George H., Sr.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cote, David E.  
Daigle, Robert A.  
Dodge, Emma M.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.

Arnold, Barbara E.  
Baroody, Benjamin C.  
Buckley, Raymond  
Cook, Valerie S.  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.

Drabinowicz, A. Theresa  
 Dwyer, Patricia R.  
 Emerton, Lawrence A.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Goulet, Maurice E.  
 Gureckis, Adam C., Sr.  
 Healy, Daniel J.  
 Hultgren, David D.  
 Johnson, Lionel W.  
 King, Frank P.  
 Laughlin, J. Francis  
 Lefebvre, Roland J.  
 Martin, Mary Ellen  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 O'Rourke, Joanne A.  
 Paquette, Rodolphe G.  
 Pignatelli, Debora B.  
 Rheault, Lillian I.  
 Rothhaus, Finlay C.  
 Searles, Stanley N., Sr.  
 Tarpley, Nancy L.  
 Upton, Barbara A.  
 Wihby, Linda S.

Drolet, Paul L.  
 Dyer, Merton S.  
 Fenton, James J.  
 Fields, Dennis H.  
 Gagnon, Gabrielle V.  
 Green, Scott E.  
 Haettenschwiller, Alphonse  
 Healy, Walter F.  
 Janas, Gregory  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lawrence, Eva M.  
 Lown, Elizabeth D.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Ouellette, Robert O.  
 Pepino, Leo P.  
 Record, Alice B.  
 Riley, Frances L.  
 Sallada, Roland A.  
 Smith, Leonard A.  
 Tate, Joan C.  
 Vanderlosk, Stanley R.  
 Wright, George W.

Durham, Susan B.  
 Elliott, Larry G.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Gosselin, Gerald O.  
 Greenglass, Alan B.  
 Hanselman, Gregory L.  
 Holden, Carol H.  
 Jasper, Shawn N.  
 Kelley, Robert N.  
 Larochelle, Roger B.  
 Leclerc, Charles J.  
 Lozeau, Donnalee M.  
 McDowell, James E.  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Packard, Bonnie B.  
 Peters, Stanley W.  
 Reidy, Frank J.  
 Robinson, Ellen-Ann  
 Schneiderat, Catherine A.  
 Soucy, Donna M.  
 Turgeon, Roland M.  
 White, John M.

#### MERRIMACK

Apple, Lowell D.  
 Boucher, Laurent J.  
 Chandler, Earle W.  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, C. William  
 Letourneau, George E.  
 Millard, Elizabeth S.  
 Smith, Gerald R.  
 Stio, Peter M.  
 Weeks, John F., Jr.

Asplund, Bronwyn L.  
 Braiterman, Thea  
 Chandler, John P.  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Jacobson, Alf E.  
 Johnson, Joyce M.  
 Lewis, Mary Ann  
 Molner, Mary E.  
 Soldati, Jennifer G.  
 Teague, Bert  
 Whittemore, James A.

Barberia, Richard A.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jelley, Francis D.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Nichols, Avis B.  
 Stapleton, Henry F.  
 Wallner, Mary Jane  
 Yeaton, Charles B.

#### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Greene, Elizabeth A.

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Connell, David R.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Griebsch, Linda

Benton, Richardson D.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Falwell, Robert V.  
 Flanders, David A.  
 Gage, Beverly A.  
 Haynes, Richard

Hoar, John, Jr.  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Melnick, Roy E.  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Seward, Russell G.  
 Smith, Arthur W.  
 Sytek, John J.  
 Tufts, Arthur  
 Weyler, Kenneth L.

Hoelzel, Kathleen M.  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Packard, Sherman A.  
 Rosencrantz, James R.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Vaughn, Charles L.  
 Woods, Deborah L.

Hurst, Sharleene P.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McCain, William F.  
 McKinney, Betsy  
 Pantelakos, Laura C.  
 Roulston, Donald L.  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Thayer, Leroy C.  
 Welch, David A.

### STRAFFORD

Appleby, James E.  
 Flynn, Edward J.  
 Hambrick, Patricia A.  
 Martling, W. Kent  
 Messier, Donald R.  
 Pageotte, Donald P.  
 Torr, Ann M.  
 Wall, Janet G.

Brown, Julie M.  
 Frechette, Roland A.  
 Jankowski, Peter M.  
 McCann, William H., Jr.  
 Musler, George T.  
 Parks, Joe B.  
 Tsiros, William  
 Wheeler, Katherine W.

Corte, Arthur B.  
 Gilmore, Gary R.  
 Kinney, Paula J.  
 Merrill, Amanda A.  
 Nehring, William H.  
 Swope, Warren L.  
 Vincent, Francis C.  
 Young, John B.

### SULLIVAN

Allison, David C.  
 Flint, Gordon B.  
 Lindblade, Eric N.  
 Schotanus, Merle W.

Behrens, Thomas A.  
 Harland, Jane A.  
 Middleton, John A.

Burling, Peter Hoe  
 Krueger, Richard H.  
 Peyron, Fredrik

and the motion lost.

Report adopted.

Ordered to third reading.

**SB 61-FN**, relative to speedy payments for the care of children in foster homes. **OUGHT TO PASS WITH AMENDMENT.**

Senate Bill 61 requires that foster families be paid in a timely manner. The amendment adds all categories of foster children and extends the effective date to January 1, 1992, giving the Division for Children and Youth the time needed to get its payment system in order. Vote 14-4. Rep. Mary Jane Wallner for Appropriations.

### Amendment

Amend the bill by replacing all after section I with the following:

2 New Subparagraph; Speedy Payment of Expenses. Amend RSA 169-B:40, I by inserting after subparagraph (d) the following new subparagraph:

(e) Payments due under this section for the care of children in foster homes shall commence within 60 days of the child's placement in the foster home and shall be made every 30 days thereafter.

3 New Subparagraph; Speedy Payment of Expenses. Amend RSA 169-C:27, I by inserting after subparagraph (d) the following new subparagraph:

(e) Payments due under this section for the care of children in foster homes shall commence within 60 days of the child's placement in the foster home and shall be made every 30 days thereafter.

4 New Subparagraph: Speedy Payment of Expenses. Amend RSA 169-D:29, I by inserting after subparagraph (d) the following new subparagraph:

(e) Payments due under this section for the care of children in foster homes shall commence within 60 days of the child's placement in the foster home and shall be made every 30 days thereafter.

5 Effective Date. This act shall take effect January 1, 1992.

Adopted.

Report adopted.

Ordered to third reading.

**SB 64-A**, relative to the superior courthouse in Nashua and making an appropriation therefor. OUGHT TO PASS.

This bill appropriates money to furnish the courthouse in Nashua that has been built but never furnished. Vote 18-0. Rep. Laurent J. Boucher for Appropriations.

Adopted.

Ordered to third reading.

**SB 71-FN-A**, relative to superior court justices. OUGHT TO PASS.

This bill will increase the number of judges authorized for the Superior Court by four for a total of 28. The four new positions are unfunded and if filled must be funded from the court's budget for the 92-93 biennium. Vote 11-6. Rep. Robert E. Murphy for Appropriations.

Adopted.

Ordered to third reading.

**SB 72-FN-A**, establishing and continually appropriating a fund for the purchase of vaccine. OUGHT TO PASS.

This bill establishes a fund to be used by the Director of Public Health Services for the purchase of children's vaccines to be provided to the public at virtually no cost. Agreements with insurance carriers are being negotiated for contributions to the funds in excess of \$650,000. These new private funds will supplement the meager state funds available in HB 25, the state budget. Vote 17-0. Rep. Douglas E. Hall for Appropriations.

Rep. Douglas Hall spoke in favor.

Adopted.

Ordered to third reading.

**SB 122-FN**, exempting certain solid waste districts from application fees. OUGHT TO PASS.

This one-time, one-subject bill exempts the town of Littleton from paying a vastly increased, unbudgeted solid waste permitting fee, which occurred as a result of a change in administrative rules in October 1990, after the city had budgeted and paid its required permitting fee. Vote 18-1. Rep. Merle W. Schotanus for Appropriations.

Adopted.

Ordered to third reading.



**SB 128-FN-A**, relative to the development of an electronic benefit transfer system and making an appropriation therefor. **OUGHT TO PASS.**

The Division of Human services is engaged in the development of an innovative method of distributing public assistance benefits through automatic teller machines and point of sale devices. This bill allows this project to be continued. When fully implemented such a distribution system will save the state administrative and processing costs. The appropriation of \$1.00 will allow federal funds to be received. Vote 16-1. Rep. Douglas E. Hall for Appropriations.

Adopted.

Ordered to third reading.

**SB 149-FN-A**, relative to reimbursing a certain school cooperative for certain expenses and making an appropriation therefor. **(A) OUGHT TO PASS.**

This bill appropriates \$5,030 to the Hollis-Brookline cooperative school district and \$6,000 to the Pemi-Baker regional school district for expenses incurred in converting AREA plans into cooperative school districts pursuant to RSA 195-A:15, II. This bill also repeals the provision that reimburses schools for expenses incurred in converting to a cooperative school district in future conversions. Vote 15-2. Rep. Pamela B. Bean for Appropriations.

Adopted.

Ordered to third reading.

**SB 173-FN-A**, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The Committee has had long, emotional discussions on this bill. It understands the need for adequate funding for meals on wheels but it also understands the need for adequate funding for the rest of the under-funded social service programs in New Hampshire and the lack of available revenue. Vote 11-7. Rep. Elizabeth S. Hager for Appropriations.

Rep. Salatiello moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Hager spoke against and yielded to questions.

Rep. Nardi spoke in favor and yielded to questions.

**(Deputy Speaker Michael Hill in the Chair)**

Rep. Parks spoke in favor.

Rep. Channing Brown spoke against and yielded to questions.

Rep. LaMott spoke in favor.

Rep. Gross spoke against.

**(Speaker Burns in the Chair)**

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 185**

**NAYS 161**

**YEAS 185**

**BELKNAP**

Accornero, Harry  
Hawkins, Robert S.  
Rosen, Ralph J.

Bartlett, Gordon E.  
Joscelyn, William W.  
Salatiello, Thomas B.

Dewhirst, Glenn E.  
Maviglio, Steven R.  
Shibley, Arnold P.

**CARROLL**

Beach, Mildred A.

**CHESHIRE**

Champagne, Richard L.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Riley, William A.

Clark, Eugene W.  
Doucette, Richard F.  
Lynch, Margaret A.  
Spear, Susan S.

Cole, Kenneth A.  
Foster, Katherine D.  
Pratt, Irene A.

**COOS**

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Therhault, Romeo J.

Coulombe, Henry W.  
Nelson, Harold D.

Hawkinson, Marie C.  
Oliver, Terry D.

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Scanlan, David M.

Brown, Patricia B.  
Dow, David  
McIlwaine, Deborah P.  
White, Paul R.

Chambers, Mary P.  
Driscoll, William J.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Ferland, Arthur P.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Janas, Gregory  
Kelley, Robert N.  
Lachut, Ervin R.  
Lawrence, Norman B.  
Mason, Howard F.  
Murphy, Robert E.  
Ouellette, Robert O.  
Peters, Stanley W.  
Schneiderat, Catherine A.  
Turgeon, Roland M.

Andrews, Frederick B.  
Baroody, Benjamin C.  
Buckley, Raymond  
Cote, David E.  
Dodge, Emma M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Green, Scott E.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Johnson, Lionel W.  
King, Frank P.  
Larochelle, Roger B.  
Leclerc, Charles J.  
McDowell, James E.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Smith, Leonard A.  
Wheeler, David K.

Baker, George H., Sr.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Crotty, Edward J.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Fenton, James J.  
Gagnon, Gabrielle V.  
Greenglass, Alan B.  
Hall, Betty B.  
Healy, Walter F.  
Jordan, Mary H.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Martin, Mary Ellen  
Mercer, Robert S.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Rheault, Lillian I.  
Soucy, Donna M.  
White, John M.

**MERRIMACK**

Asplund, Bronwyn L.  
Christie, Thomas J.  
Fair, Patricia A.  
Johnson, Joyce M.  
Smith, Gerald R.  
Trombly, Rick A.  
Yeaton, Charles B.

Barberia, Richard A.  
Daneault, Gabriel J.  
Jacobson, Alf E.  
Letourneau, George E.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Braiterman, Thea  
Dunn, Miriam D.  
Jelley, Francis D.  
Molner, Mary E.  
Teague, Bert  
Whittemore, James A.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Christie, Andrew, Jr.  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Falwell, Robert V.  
 Flanders, Harry E.  
 Hurst, Sharleene P.  
 Kane, Cecelia D.  
 MacKinnon, Nancy W.  
 Melnick, Roy E.  
 Roulston, Donald L.  
 Syracuse, Anthony  
 Vaughn, Charles L.

Bell, Juanita L.  
 Clark, Martha Fuller  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Flanagan, Natalie S.  
 Griebisch, Linda  
 Hutchinson, Karen K.  
 Lovejoy, Virginia K.  
 Magoon, Harold F.  
 Pantelakos, Laura C.  
 Rubin, George R.  
 Terninko, Margaret B.  
 Weyler, Kenneth L.

Caswell, Albert, Jr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Flanders, David A.  
 Hoar, John, Jr.  
 Hynes, Carolyn E.  
 MacDonald, Joseph A.  
 McGovern, Cynthia A.  
 Rosencrantz, James R.  
 Schanda, Joseph, Sr.  
 Thayer, Leroy C.

**STRAFFORD**

Brown, Julie M.  
 Hambrick, Patricia A.  
 McCann, William H., Jr.  
 O'Brien, John  
 Pelley, Janet R.  
 Vincent, Francis C.

Corte, Arthur B.  
 Jankowski, Peter M.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Sullivan, Henry P.  
 Wheeler, Katherine W.

Gilmore, Gary R.  
 Marston, Robert E.  
 Messier, Donald R.  
 Parks, Joe B.  
 Tsiros, William

**SULLIVAN**

Allison, David C.  
 Flint, Gordon B.  
 Lindblade, Eric N.

Behrens, Thomas A.  
 Harland, Jane A.  
 Peyron, Fredrik

Burling, Peter Hoe  
 Krueger, Richard H.  
 Walsh, Robert R.

**NAYS 161****BELKNAP**

Cain, Thomas G.  
 Johnson, Carl R.  
 Vogler, Charles C.

Campbell, Richard H., Jr.  
 Rice, Thomas E. P., Jr.  
 Ziegra, Alice S.

Holbrook, Robert G.  
 Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
 Daly, Robert J., Jr.  
 Jean, Robert R.

Bradley, Jeb E.  
 Dickinson, Howard C.  
 Saunders, Howard N.

Chandler, Gene G.  
 Dodge, A. Gibb, Jr.  
 Wiggin, Gordon E.

**CHESHIRE**

Cole, Stacey W.  
 Grodin, Richard A.  
 Kennison, Wayne A.  
 Pearson, Gertrude B.

Crutchley, Donald O.  
 Hogan, James B.  
 Laurent, John J.  
 Perry, David M.

Feuer, Joseph N.  
 Hunt, John B.  
 Morse, Jo Ann T.  
 Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
 Marsh, Beaton  
 Pratt, Leighton C.

Guay, Lawrence J.  
 Mayhew, Josephine

Horton, Lynn C.  
 Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Christy, C. Dana  
Lougee, Richard W.  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Brown, Channing T.  
Larson, Nils H., Jr.  
Stewart, Roger D.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Alukonis, David J.  
Cook, Valerie S.  
Desrochers, Gerard T.  
Durham, Susan B.  
Ford, Nancy M.  
Holden, Carol H.  
Kelley, Dana F.  
Lown, Elizabeth D.  
McRae, Karen K.  
Packard, Bonnie B.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
Upton, Barbara A.  
Wright, George W.

Amidon, Eleanor H.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Dyer, Merton S.  
Gagnon, Eugene L.  
Hultgren, David D.  
Kurk, Neal M.  
Lozeau, Donnalee M.  
Messier, Irene M.  
Perham, Lester R.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Tarpley, Nancy L.  
Vanderlosk, Stanley R.

Arnold, Barbara E.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Ferguson, Charles  
Goulet, Maurice E.  
Jasper, Shawn N.  
Lawrence, Eva M.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Record, Alice B.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Tate, Joan C.  
Wihby, Linda S.

**MERRIMACK**

Apple, Lowell D.  
Chandler, Earle W.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Johnson, C. William  
Lockwood, Robert A.  
Stapleton, Henry F.

Boucher, Laurent J.  
Chandler, John P.  
Gross, Caroline L.  
Hayes, Robert C.  
Kidder, William F.  
Millard, Elizabeth S.  
Stio, Peter M.

Carter, Susan D.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Lewis, Mary Ann  
Nichols, Avis B.  
Weeks, John F., Jr.

**ROCKINGHAM**

Boucher, William P.  
Dube, LeRoy S.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Klemarczyk, Thaddeus E.  
McCain, William F.  
Packard, Sherman A.  
Seward, Russell G.  
Smith, Arthur W.  
Tufts, Arthur

Campbell, Marilyn R.  
Felch, Charles H., Sr.  
Greene, Elizabeth A.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
McCarthy, John J., Jr.  
Raynowska, Bernard J.  
Simon, Peter M.  
Sytek, Donna P.  
Welch, David A.

Connell, David R.  
Flanders, John W., Sr.  
Haynes, Richard  
Katsakiores, George N.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Senter, Marilyn P.  
Skinner, Patricia M.  
Sytek, John J.  
Woods, Deborah L.

**STRAFFORD**

Appleby, James E.  
Frechette, Roland A.  
Martling, W. Kent  
Swope, Warren L.  
Young, John B.

Flynn, Edward J.  
Keans, Sandra B.  
Musler, George T.  
Torr, Ann M.

Foss, Patricia H.  
Kinney, Paula J.  
Nehring, William H.  
Wall, Janet G.



**SULLIVAN**

Domini, Irene C.  
Schotanus, Merle W.

Middleton, John A.

Rodeschin, Beverly T.

and the motion was adopted.  
Substitute report adopted.  
Ordered to third reading.

**SB 180-FN**, relative to the hearings process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals. (A) **OUGHT TO PASS WITH AMENDMENT.**

This bill sets a time limit for selectmen to review and make a decision on tax abatement requests. It also provides for a speedier hearing process by the Board of Tax and Land Appeals. Therefore it improves access of the public to the appeals process. Upon review, the Committee found that the proposed \$6,000 appropriation was unnecessary and therefore deleted it from the bill. Vote 19-0. Rep. Joe B. Parks for Appropriations.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to the hearings process on tax abatements for property taxes.

Amend the bill by deleting section 6 and renumbering section 7 to read as section 6.

**AMENDED ANALYSIS**

The bill changes the filing period for requesting a tax abatement from the municipalities from 60 days to 2 months to make time periods consistent in the statute. The bill also makes explicit the town's existing duty to review and decide abatement applications, specifying a time period to complete such review and decision. The bill amends the appeal procedure by requiring a decision or denial from the municipality before appealing to the board of tax and land appeals.

Adopted.

Report adopted.

Ordered to third reading.

**SB 210-FN-A**, relative to drugged driving and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The amendment clarifies that the money should come from the Department of Safety. The expenditure is necessary because federal grants will cease. Vote 18-0. Rep. Channing T. Brown for Appropriations.

**Amendment**

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$240,000 for the year ending June 30, 1992, is hereby appropriated to the division of public health services of the department of health and human services for the purposes of sections 1-2 of this act. This appropriation shall be in addition to any other appropriations made to the division of public health services of the department of health and human services for the biennium. The sum shall be a charge against funds already appropriated to the department of safety.

Adopted.

Report adopted.

Ordered to third reading.

**SB 220-FN**, relative to foster care. RE-REFER TO COMMITTEE.

The Committee voted 14-3 to re-refer SB 220 so that the fiscal note can be clarified. The Senate amendment needs further study. Rep. Josephine Mayhew for Children, Youth and Juvenile Justice.

Re-referred to Committee.

**SB 85-FN**, relative to women's sports. OUGHT TO PASS WITH AMENDMENT.

This measure creates a study committee to look into achieving greater gender equity in athletics. The Committee will be comprised of coaches, teachers, sports information personnel, community sports, interscholastic and intercollegiate, and sports media, all concerned with this issue. The Committee amendment includes two members from the House and Senate and a member appointed by the Commissioner of Education. Vote 13-2. Rep. Albert W. Caswell for Education.

### Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Study Committee on Sport Gender Equity Established. There is hereby established a committee to study how to better achieve gender equity in athletics. The committee shall consist of the following members:

- I. Two house members, appointed by the speaker of the house.
- II. Two senators, appointed by the senate president.
- III. Two coaches, appointed by the governor.
- IV. One school administrator, appointed by the governor.
- V. One teacher, appointed by the governor.
- VI. One sports information person, appointed by the governor.
- VII. One representative from the department of education, appointed by the commissioner of education.
- VIII. Two persons involved in interscholastic athletic programs, appointed by the governor.
- IX. Two persons involved in intercollegiate athletic programs, appointed by the governor.
- X. One member from the New Hampshire Interscholastic Athletic Association, appointed by the governor.

2 Meetings; Chair; Mileage. Appointments to the committee shall be made within 30 days of the effective date of this act, and the first meeting of the committee shall be held within 60 days of the effective date of this act. The committee shall elect a chair at its first meeting. Legislative members of the committee shall receive mileage at the legislative rate.

Amend the bill by replacing paragraph II of section 3 with the following:

II. The committee shall report its findings to the governor, the senate president, and the speaker of the house on or before November 1, 1991.

### AMENDED ANALYSIS

This bill establishes a committee to study methods for achieving greater gender equity in athletics. The committee shall report its findings to the governor, the senate president, and the speaker of the house on or before November 1, 1991.

Adopted.

On a division vote, 219 members having voted in the affirmative and 95 in the negative, the bill was ordered to third reading.

**SB 225-FN**, relative to the higher educational building corporation and loan eligibility. OUGHT TO PASS WITH AMENDMENT.

This bill extends the tax free bond financing available through the New Hampshire Higher Education and Health Facilities Authority to not-for-profit secondary schools and additional healthcare institutions. The state is not liable to guarantee any bonds issued under this authority. Vote 14-0. Rep. Arthur B. Corte for Education.

**Amendment**

Amend RSA 195-D:3, XIV (b) and (c) as inserted by section 2 of the bill by replacing them with the following:

*(b) Is a residential facility which is licensed as a group home or child care institution by the department of health and human services pursuant to RSA 170-E.*

Adopted.

Report adopted.

Ordered to third reading.

**SB 183-FN**, relative to the Lamprey Regional Solid Waste Cooperative. RE-REFER TO COMMITTEE.

The Committee is sympathetic to the problem which the Lamprey District has with regard to the future of the district and also is concerned about the ramifications of RSA 53-A and RSA 53-B and recommends re-referral. Vote 13-0. Rep. Betty B. Hall for Environment and Agriculture.

Rep. Scanlan moved that SB 183 be made a Special Order for May 16.

Adopted.

**SB 186-FN**, establishing a committee to study household hazardous waste. RE-REFER TO COMMITTEE.

This bill deals with the same subject matter as other bills before the Committee. The Committee would like to study these bills together. Vote 11-3. Rep. Betty B. Hall for Environment and Agriculture.

Re-referred to Committee.

**SB 20-FN**, establishing a committee to study the licensure of dietitians and nutritionists. INEXPEDIENT TO LEGISLATE.

The majority of the Committee believes that the Legislature should not be expected to have to make a determination among the far-reaching opinions in the fields of nutrition and diet and still serve its mandate of public protection for licensure. Vote 10-5. Rep. Kathleen W. Ward for Executive Departments and Administration.

Adopted.

**SB 75**, relative to bargaining rights for state employees. INEXPEDIENT TO LEGISLATE.

This proposed legislation has come before the Legislature at least four times in the last few years, each time seeking to have management surrender its tools to manage, i.e., conditions of employment, promotion, transfer, demotion, or any other action to which any employer is entitled to properly manage his or her responsibilities. Since the Collective Bargaining legislation went into effect in 1975, negotiations have successfully brought forth an agreed-to contract over the years, which demonstrates that the mechanism in place is working. Vote 8-5. Rep. Kathleen W. Ward for Executive Departments and Administration.

Rep. Dunn moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. William Boucher and Shibley spoke against.  
 Rep. William McCain spoke against and yielded to questions.  
 Rep. Ward spoke against.  
 Rep. Chambers spoke in favor.  
 Roll call request sufficiently seconded.  
 The question being on the substitute motion.

**YEAS 108****NAYS 224****YEAS 108  
BELKNAP**

Hawkins, Robert S.  
 Turner, Robert H.

Joscelyn, William W.

Maviglio, Steven R.

**CARROLL**

None

**CHESHIRE**

Champagne, Richard L.  
 Doucette, Richard F.  
 Lynch, Margaret A.  
 Spear, Susan S.

Clark, Eugene W.  
 Foster, Katherine D.  
 Pratt, Irene A.

DePecol, Benjamin J.  
 Kingsbury, H. Thayer  
 Riley, William A.

**COOS**

Coulombe, Henry W.  
 Mayhew, Josephine  
 Theriault, Romeo J.

Hawkinson, Marie C.  
 Nelson, Harold D.

Kilbride, Dennis J.  
 Oliver, Terry D.

**GRAFTON**

Arnesen, Deborah L.  
 McIlwaine, Deborah P.

Chambers, Mary P.  
 Nordgren, Sharon L.

Copenhaver, Marion L.  
 Teschner, Douglass P.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Baroddy, Benjamin C.  
 Chasse, Richard D.  
 Daigle, Robert A.  
 Dwyer, Patricia R.  
 Gosselin, Gerald O.  
 Gureckis, Adam C., Sr.  
 Janas, Gregory  
 Larochele, Roger B.  
 Murphy, Robert E.  
 Pepino, Leo P.  
 Turgeon, Roland M.

Baker, George H., Sr.  
 Bourque, Ann J.  
 Cote, David E.  
 Donovan, Francis X.  
 Ferguson, Charles  
 Goulet, Maurice E.  
 Haettenschwiller, Alphonse  
 Jordan, Mary H.  
 Laughlin, J. Francis  
 Nardi, Theodora P.  
 Reidy, Frank J.  
 White, John M.

Baldizar, Barbara J.  
 Buckley, Raymond  
 Crotty, Edward J.  
 Drabinowicz, A. Theresa  
 Gagnon, Gabrielle V.  
 Green, Scott E.  
 Hanselman, Gregory L.  
 King, Frank P.  
 McDowell, James E.  
 O'Rourke, Joanne A.  
 Soucy, Donna M.

**MERRIMACK**

Barberia, Richard A.  
 Dunn, Miriam D.  
 Jacobson, Alf E.  
 Letourneau, George E.  
 Trombly, Rick A.

Braiterman, Thea  
 Fillion, Paul R.  
 Jelley, Francis D.  
 Molner, Mary E.  
 Wallner, Mary Jane

Daneault, Gabriel J.  
 Hayes, Robert C.  
 Johnson, Joyce M.  
 Soldati, Jennifer G.  
 Yeaton, Charles B.



**ROCKINGHAM**

Bell, Juanita L.  
 Griebsch, Linda  
 Kane, Cecelia D.  
 Melnick, Roy E.  
 Schanda, Joseph, Sr.

Caswell, Albert, Jr.  
 Hurst, Sharleene P.  
 MacDonald, Joseph A.  
 Pantelakos, Laura C.  
 Terninko, Margaret B.

Clark, Martha Fuller  
 Hynes, Carolyn E.  
 McGovern, Cynthia A.  
 Rosencrantz, James R.  
 Vaughn, Charles L.

**STRAFFORD**

Gilmore, Gary R.  
 McCann, William H., Jr.  
 O'Brien, John  
 Sullivan, Henry P.

Hambrick, Patricia A.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Wall, Janet G.

Jankowski, Peter M.  
 Messier, Donald R.  
 Pelley, Janet R.  
 Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
 Walsh, Robert R.

Burling, Peter Hoe

Harland, Jane A.

**NAYS 224****BELKNAP**

Accornero, Harry  
 Campbell, Richard H., Jr.  
 Johnson, Carl R.  
 Shibley, Arnold P.

Bartlett, Gordon E.  
 Dewhirst, Glenn E.  
 Rice, Thomas E. P., Jr.  
 Vogler, Charles C.

Cain, Thomas G.  
 Holbrook, Robert G.  
 Rosen, Ralph J.  
 Ziegler, Alice S.

**CARROLL**

Allard, Nanci A.  
 Chandler, Gene G.  
 Dodge, A. Gibb, Jr.  
 Wiggin, Gordon E.

Beach, Mildred A.  
 Daly, Robert J., Jr.  
 Jean, Robert R.

Bradley, Jeb E.  
 Dickinson, Howard C.  
 Saunders, Howard N.

**CHESHIRE**

Cole, Kenneth A.  
 Feuer, Joseph N.  
 Hunt, John B.  
 Morse, Jo Ann T.  
 Sawyer, Alfred P.

Cole, Stacey W.  
 Grodin, Richard A.  
 Kennison, Wayne A.  
 Pearson, Gertrude B.

Crutchley, Donald O.  
 Hogan, James B.  
 Laurent, John J.  
 Perry, David M.

**COOS**

Brungot, Catherine V.  
 Horton, Lynn C.  
 Pratt, Leighton C.

Buckley, C. Fitzgerald  
 Marsh, Beaton

Guay, Lawrence J.  
 Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
 Brown, Patricia B.  
 Hill, Richard L.  
 Scanlan, David M.  
 Wadsworth, Karen O.  
 White, Paul R.

Bean, Pamela B.  
 Christy, C. Dana  
 Lougee, Richard W.  
 Stewart, Roger D.  
 Ward, Kathleen W.

Brown, Channing T.  
 Driscoll, William J.  
 Nielsen, Niels F., Jr.  
 Trelfa, Richard T.  
 Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Alukonis, David J.  
 Arnold, Barbara E.  
 Cook, Valerie S.  
 Desrochers, Gerard T.  
 Domaingue, Jacquelyn M.  
 Dyer, Merton S.  
 Fenton, James J.  
 Ford, Nancy M.  
 Hall, Betty B.  
 Hultgren, David D.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lawrence, Norman B.  
 Lozeau, Donnalee M.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Packard, Bonnie B.  
 Peters, Stanley W.  
 Riley, Frances L.  
 Rothhaus, Finlay C.  
 Smith, Leonard A.  
 Tate, Joan C.  
 Wheeler, David K.

Amidon, Eleanor H.  
 Bowers, Dorothy C.  
 Cowenhoven, Garret P.  
 Desrosiers, William J.  
 Drolet, Paul L.  
 Elliott, Larry G.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Healy, Walter F.  
 Jasper, Shawn N.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lefebvre, Roland J.  
 Martin, Mary Ellen  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Paquette, Rodolphe G.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Sallada, Roland A.  
 Stiles, Walter A.  
 Upton, Barbara A.  
 Wihby, Linda S.

Andrews, Frederick B.  
 Calawa, Leon, Jr.  
 Daniels, Gary L.  
 Dodge, Emma M.  
 Durham, Susan B.  
 Emerton, Lawrence A.  
 Fields, Dennis H.  
 Greenglass, Alan B.  
 Holden, Carol H.  
 Johnson, Lionel W.  
 Kurk, Neal M.  
 Lawrence, Eva M.  
 Lown, Elizabeth D.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Ouellette, Robert O.  
 Perham, Lester R.  
 Rheault, Lillian I.  
 Rodgers, G. Philip  
 Searles, Stanley N., Sr.  
 Tarpley, Nancy L.  
 Vanderlosk, Stanley R.  
 Wright, George W.

**MERRIMACK**

Apple, Lowell D.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Hager, Elizabeth S.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Stapleton, Henry F.  
 Weeks, John F., Jr.

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Fair, Patricia A.  
 Hall, Douglas E.  
 Kidder, William F.  
 Millard, Elizabeth S.  
 Stio, Peter M.  
 Whittemore, James A.

Boucher, Laurent J.  
 Chandler, John P.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Teague, Bert

**ROCKINGHAM**

Barnes, John S., Jr.  
 Connell, David R.  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Haynes, Richard  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Senter, Merilyn P.

Boucher, William P.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Dube, LeRoy S.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Roulston, Donald L.  
 Seward, Russell G.

Campbell, Marilyn R.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Falwell, Robert V.  
 Flanders, David A.  
 Greene, Elizabeth A.  
 Hutchinson, Karen K.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McCain, William F.  
 Packard, Sherman A.  
 Rubin, George R.  
 Simon, Peter M.

Skinner, Patricia M.  
Sytek, Donna P.  
Tufts, Arthur  
Woods, Deborah L.

Smith, Arthur W.  
Sytek, John J.  
Welch, David A.

Syracusa, Anthony  
Thayer, Leroy C.  
Weyler, Kenneth L.

### STRAFFORD

Appleby, James E.  
Flynn, Edward J.  
Keans, Sandra B.  
Martling, W. Kent  
Swope, Warren L.  
Vincent, Francis C.

Brown, Julie M.  
Foss, Patricia H.  
Kinney, Paula J.  
Nehring, William H.  
Torr, Ann M.  
Young, John B.

Corte, Arthur B.  
Frechette, Roland A.  
Marston, Robert E.  
Parks, Joe B.  
Tsiros, William

### SULLIVAN

Behrens, Thomas A.  
Lindblade, Eric N.  
Rodeschin, Beverly T.  
and the motion lost.  
Report adopted.

Flint, Gordon B.  
Middleton, John A.  
Schotanus, Merle W.

Krueger, Richard H.  
Peyron, Fredrik

**SB 97**, relative to administrative rules and state mandates. **OUGHT TO PASS WITH AMENDMENT.**

This legislation requires a statement that a proposed rule does not violate the New Hampshire Constitution in regard to mandates. Vote 13-2. Rep. Kathleen W. Ward for Executive Departments and Administration.

### Amendment

Amend RSA 541-A:3, I as inserted by section 1 of the bill by replacing it with the following:

I. Filing a notice of proposed rule, including a fiscal impact statement *and a statement that the proposed rule does not violate the New Hampshire constitution, part I, article 28-a*, under RSA 541-A:3-a;

Amend RSA 541-A:3-a, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. The agency shall provide the legislative budget assistant a statement with adequate details and supporting data that the proposed rule does not violate the New Hampshire constitution, part I, article 28-a.

### AMENDED ANALYSIS

This bill requires that the contents of a notice of a proposed rule shall include a statement by the agency with supporting data that the proposed rule does not violate article 28-a of the New Hampshire constitution.

Adopted.

Report adopted.

Ordered to third reading.

**SB 153**, relative to licensing of pharmacists. **INEXPEDIENT TO LEGISLATE.**

This legislation was introduced on behalf of a single individual and would have required the Legislature to overturn the decision, not once but twice, of the Board of Pharmacy. Vote 11-3. Rep. Kathleen W. Ward for Executive Departments and Administration.

Adopted.

**SB 176-FN**, relative to ophthalmic dispensing. **INEXPEDIENT TO LEGISLATE.**

This legislation would have superseded the actions of last session which created a registration format for opticians. The majority of the Committee believes that this legislation is unnecessary. The opticians have state registration which went into effect last year, and this vehicle should be allowed to function as was intended. No public health or protection testimony was given that there is a need at this time for the state to intrude in the private practice of opticians. Last session, the Legislature defeated a bill to create a board and give licensure to opticians and no new testimony has been introduced that would be a reason for the House to reconsider the need today. Vote 8-7. Rep. Kathleen W. Ward for Executive Departments and Administration.

Rep. Buckley moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Gosselin spoke in favor.

Rep. William Boucher spoke against.

Rep. Scott Green spoke in favor and yielded to questions.

Rep. Ward spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 122****NAYS 200****YEAS 122****BELKNAP**

Joscelyn, William W.

Maviglio, Steven R.

**CARROLL**

Bradley, Jeb E.

Daly, Robert J., Jr.

Jean, Robert R.

**CHESHIRE**

Champagne, Richard L.

Clark, Eugene W.

Cole, Kenneth A.

Cole, Stacey W.

DePecol, Benjamin J.

Foster, Katherine D.

Kingsbury, H. Thayer

Lynch, Margaret A.

Pearson, Gertrude B.

Sawyer, Alfred P.

Spear, Susan S.

**COOS**

Buckley, C. Fitzgerald

Coulombe, Henry W.

Hawkinson, Marie C.

Kilbride, Dennis J.

Nelson, Harold D.

Therault, Romeo J.

**GRAFTON**

Arnesen, Deborah L.

Chambers, Mary P.

Copenhaver, Marion L.

Dow, David

LaMott, Paul I.

Mellwaine, Deborah P.

Wadsworth, Karen O.

**HILLSBOROUGH**

Baldizar, Barbara J.

Baroody, Benjamin C.

Bourque, Ann J.

Buckley, Raymond

Chasse, Richard D.

Cote, David E.

Desrosiers, William J.

Donovan, Francis X.

Drabinowicz, A. Theresa

Drolet, Paul L.

Dwyer, Patricia R.

Elliott, Larry G.

Ferlan, Arthur P.

Fields, Dennis H.

Gagnon, Gabrielle V.

Gosselin, Gerald O.

Green, Scott E.

Gureckis, Adam C., Sr.

Haettenschwiller, Alphonse

Hall, Betty B.

Hanselman, Gregory L.

Healy, Daniel J.

Holden, Carol H.

Janas, Gregory



Jordan, Mary H.  
Laughlin, J. Francis  
McDowell, James E.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Robinson, Ellen-Ann  
Wihby, Linda S.

L'Heureux, Robert J.  
Lozeau, Donnalee M.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Soucy, Donna M.

Larochelle, Roger B.  
Martin, Mary Ellen  
Murphy, Robert E.  
Packard, Bonnie B.  
Reidy, Frank J.  
White, John M.

### MERRIMACK

Asplund, Bronwyn L.  
Daneault, Gabriel J.  
Hall, Douglas E.  
Johnson, Joyce M.  
Soldati, Jennifer G.  
Trombly, Rick A.

Barberia, Richard A.  
Dunn, Miriam D.  
Jacobson, Alf E.  
Letourneau, George E.  
Stio, Peter M.  
Yeaton, Charles B.

Carter, Susan D.  
Fillion, Paul R.  
Jelley, Francis D.  
Molner, Mary E.  
Teague, Bert

### ROCKINGHAM

Barnes, John S., Jr.  
Clark, Martha Fuller  
Gribsch, Linda  
MacDonald, Joseph A.  
Syracusa, Anthony

Bell, Juanita L.  
Cote, Patricia L.  
Hynes, Carolyn E.  
Pantelakos, Laura C.  
Thayer, Leroy C.

Caswell, Albert, Jr.  
Dowling, Patricia A.  
Kane, Cecelia D.  
Roulston, Donald L.  
Vaughn, Charles L.

### STRAFFORD

Brown, Julie M.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Tsiros, William

Jankowski, Peter M.  
Merrill, Amanda A.  
Pelley, Janet R.  
Vincent, Francis C.

Martling, W. Kent  
O'Brien, John  
Sullivan, Henry P.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Harland, Jane A.

Burling, Peter Hoe  
Krueger, Richard H.

Flint, Gordon B.  
Walsh, Robert R.

### NAYS 200

### BELKNAP

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

Cain, Thomas G.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

### CARROLL

Allard, Nanci A.  
Dickinson, Howard C.  
Wiggin, Gordon E.

Beach, Mildred A.  
Dodge, A. Gibb, Jr.

Chandler, Gene G.  
Saunders, Howard N.

### CHESHIRE

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.

Feuer, Joseph N.  
Hunt, John B.  
Morse, Jo Ann T.

Grodin, Richard A.  
Kennison, Wayne A.  
Perry, David M.

**COOS**

Brungot, Catherine V.  
Marsh, Beaton  
Oliver, Terry D.

Guay, Lawrence J.  
Mayhew, Josephine  
Pratt, Leighton C.

Horton, Lynn C.  
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Christy, C. Dana  
Lougee, Richard W.  
Teschner, Douglass P.  
Whitcomb, Henry F., Jr.

Brown, Channing T.  
Driscoll, William J.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.

Brown, Patricia B.  
Hill, Richard L.  
Stewart, Roger D.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
Andrews, Frederick B.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Durham, Susan B.  
Fenton, James J.  
Gagnon, Eugene L.  
Healy, Walter F.  
Johnson, Lionel W.  
Kurk, Neal M.  
Lawrence, Norman B.  
Mason, Howard F.  
Mercer, Robert S.  
Perham, Lester R.  
Rheault, Lillian I.  
Sallada, Roland A.  
Stiles, Walter A.  
Turgeon, Roland M.  
Wheeler, David K.

Alukonis, David J.  
Arnold, Barbara E.  
Calawa, Leon, Jr.  
Crotty, Edward J.  
Dodge, Emma M.  
Dyer, Merton S.  
Ferguson, Charles  
Goulet, Maurice E.  
Hultgren, David D.  
Kelley, Dana F.  
Lachut, Ervin R.  
Lefebvre, Roland J.  
McNerney, Daniel P.  
Messier, Irene M.  
Peters, Stanley W.  
Riley, Frances L.  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.  
Upton, Barbara A.  
Wright, George W.

Amidon, Eleanor H.  
Baker, George H., Sr.  
Cook, Valerie S.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Emerton, Lawrence A.  
Ford, Nancy M.  
Greenglass, Alan B.  
Jasper, Shawn N.  
Kelley, Robert N.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McRae, Karen K.  
Ouellette, Robert O.  
Record, Alice B.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Tate, Joan C.  
Vanderlosk, Stanley R.

**MERRIMACK**

Apple, Lowell D.  
Chandler, John P.  
Gilbreth, Robert M.  
Hayes, Robert C.  
Kidder, William F.  
Nichols, Avis B.  
Weeks, John F., Jr.

Boucher, Laurent J.  
Christie, Thomas J.  
Gross, Caroline L.  
Hill, Michael J.  
Lewis, Mary Ann  
Smith, Gerald R.  
Whittemore, James A.

Chandler, Earle W.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Johnson, C. William  
Lockwood, Robert A.  
Stapleton, Henry F.

**ROCKINGHAM**

Boucher, William P.  
Connell, David R.  
DiPietro, Carmela M.  
Dube, LeRoy S.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Hoelzel, Kathleen M.

Campbell, Marilyn R.  
Conroy, Janet M.  
Dowd, Sandra K.  
Falwell, Robert V.  
Flanders, David A.  
Gage, Beverly A.  
Hurst, Sharleene P.

Christie, Andrew, Jr.  
Cooke, Annette M.  
Drake, Herbert R.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Haynes, Richard  
Hutchinson, Karen K.

Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Packard, Sherman A.  
 Rubin, George R.  
 Seward, Russell G.  
 Smith, Arthur W.  
 Tufts, Arthur  
 Weyler, Kenneth L.

Katsakiores, George N.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Warburton, Calvin  
 Woods, Deborah L.

Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Melnick, Roy E.  
 Rosencrantz, James R.  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Welch, David A.

### STRAFFORD

Appleby, James E.  
 Foss, Patricia H.  
 Keans, Sandra B.  
 Nehring, William H.  
 Torr, Ann M.

Corte, Arthur B.  
 Frechette, Roland A.  
 Kinney, Paula J.  
 Parks, Joe B.  
 Young, John B.

Flynn, Edward J.  
 Hambrick, Patricia A.  
 Marston, Robert E.  
 Swope, Warren L.

### SULLIVAN

Behrens, Thomas A.  
 Middleton, John A.  
 Schotanus, Merle W.  
 and the motion lost.  
 Report adopted.

Domini, Irene C.  
 Peyron, Fredrik

Lindblade, Eric N.  
 Rodeschin, Beverly T.

**SB 74-FN**, establishing a committee to study the use of funds appropriated for catastrophic illness care. MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.

MAJORITY: In the past, Vocational Rehabilitation funds were tapped to pay for catastrophic illness costs. Each time these funds are tapped, 81 eligible people are denied rehabilitation that would return them to the taxpaying workforce. Vote 12-1. Rep. Gary L. Daniels for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: The minority of the Committee agrees with the majority in prohibiting the Division of Vocational Rehabilitation from paying for catastrophic illness. However, the bill, as amended, does not specify how catastrophic illness will be covered. It places the issue back into the political/media policy-setting arena. The minority believes that the intent of a bill is to provide clear policy to the citizens of New Hampshire, not to confuse them. Rep. Larry G. Elliott for the Minority of Labor, Industrial and Rehabilitative Services.

Adopted.

Ordered to third reading.

**SB 87-FN**, relative to replacement employees. OUGHT TO PASS.

This bill changes the penalty charged from criminal offense to civil with up to \$1,000 penalty per day of noncompliance to be imposed by the Labor Commissioner. This could be appealed in accordance with RSA 273:11-b. Vote 9-4. Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services.

Adopted.

Ordered to third reading.

**SB 171-FN**, relative to discrimination in the workplace. MAJORITY: OUGHT TO PASS. MINORITY: RE-REFER TO COMMITTEE.

MAJORITY: This bill prohibits an employer from requiring, as a condition of employment, that a person abstain from using tobacco products while away from the workplace. The employee would still have to comply with any workplace policy concerning such use on site. Vote 11-3. Rep. David O. Dow for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: The Committee and Subcommittee worked hard on this legislation, but there was not sufficient time to consider all the issues and no amendments, however slight, were acceptable. There are a lot of issues regarding health, the cost of health insurance and the rights of smokers and non-smokers alike which could have been dealt with. There are other rights which could have been addressed as they were in other states. The process has been rushed and the capacity for House input has been too limited. Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Hawkins yielded to questions.

Rep. Daniels moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass. spoke in favor and yielded to questions.

Rep. Dow spoke against.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Drabinowicz spoke against.

Rep. Bradley spoke in favor and yielded to questions.

Rep. Baroody spoke against and yielded to questions.

Rep. Nielsen spoke against.

Rep. Arnesen spoke in favor and yielded to questions.

Rep. Hawkins spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

#### YEAS 112

#### YEAS 112 BELKNAP

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Vogler, Charles C.

Holbrook, Robert G.  
Rice, Thomas E. P., Jr.

Johnson, Carl R.  
Rosen, Ralph J.

#### CARROLL

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.

Chandler, Gene G.  
Wiggin, Gordon E.

Daly, Robert J., Jr.

#### CHESHIRE

Cole, Kenneth A.  
Feuer, Joseph N.  
Kennison, Wayne A.

Cole, Stacey W.  
Hogan, James B.  
Laurent, John J.

Crutchley, Donald O.  
Hunt, John B.

#### COOS

Buckley, C. Fitzgerald

Pratt, Leighton C.

#### GRAFTON

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Nordgren, Sharon L.

Bean, Pamela B.  
Lougee, Richard W.  
Teschner, Douglass P.

Brown, Channing T.  
McIlwaine, Deborah P.



**HILLSBOROUGH**

Alukonis, David J.  
 Calawa, Leon, Jr.  
 Dodge, Emma M.  
 Elliott, Larry G.  
 Hanselman, Gregory L.  
 Jasper, Shawn N.  
 Lawrence, Norman B.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Riley, Frances L.  
 Smith, Leonard A.  
 Wright, George W.

Amidon, Eleanor H.  
 Cook, Valerie S.  
 Domaingue, Jacquelyn M.  
 Greenglass, Alan B.  
 Holden, Carol H.  
 Jordan, Mary H.  
 Martin, Mary Ellen  
 Mercer, Robert S.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Tarpley, Nancy L.

Bourque, Ann J.  
 Daniels, Gary L.  
 Durham, Susan B.  
 Hall, Betty B.  
 Hultgren, David D.  
 Kurk, Neal M.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Rheault, Lillian I.  
 Searles, Stanley N., Sr.  
 Wheeler, David K.

**MERRIMACK**

Braiterman, Thea  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Millard, Elizabeth S.  
 Yeaton, Charles B.

Chandler, John P.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Lewis, Mary Ann  
 Molner, Mary E.

Christie, Thomas J.  
 Gilbreth, Robert M.  
 Hayes, Robert C.  
 Lockwood, Robert A.  
 Weeks, John F., Jr.

**ROCKINGHAM**

Campbell, Marilyn R.  
 Conroy, Janet M.  
 Drake, Herbert R.  
 Greene, Elizabeth A.  
 Seward, Russell G.  
 Sytek, John J.  
 Woods, Deborah L.

Caswell, Albert, Jr.  
 Cooke, Annette M.  
 Dube, LeRoy S.  
 McCarthy, John J., Jr.  
 Smith, Arthur W.  
 Terninko, Margaret B.

Connell, David R.  
 DiPietro, Carmela M.  
 Flanders, David A.  
 Schanda, Joseph, Sr.  
 Syracuse, Anthony  
 Warburton, Calvin

**STRAFFORD**

Flynn, Edward J.  
 Jankowski, Peter M.  
 Marston, Robert E.

Foss, Patricia H.  
 Keans, Sandra B.  
 Pelley, Janet R.

Gilmore, Gary R.  
 Kinney, Paula J.  
 Wall, Janet G.

**SULLIVAN**

Allison, David C.  
 Middleton, John A.

Behrens, Thomas A.

Harland, Jane A.

**NAYS 216****BELKNAP**

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Shibley, Arnold P.

Cain, Thomas G.  
 Joscelyn, William W.  
 Turner, Robert H.

Dewhirst, Glenn E.  
 Salatiello, Thomas B.  
 Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.  
 Saunders, Howard N.

Dickinson, Howard C.

Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.  
Riley, William A.

Champagne, Richard L.  
Foster, Katherine D.  
Lynch, Margaret A.  
Perry, David M.  
Sawyer, Alfred P.

Clark, Eugene W.  
Grodin, Richard A.  
Morse, Jo Ann T.  
Pratt, Irene A.  
Spear, Susan S.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Therault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Christy, C. Dana  
Hill, Richard L.  
Scanlan, David M.  
Wadsworth, Karen O.  
White, Paul R.

Brown, Patricia B.  
Dow, David  
LaMott, Paul I.  
Stewart, Roger D.  
Ward, Kathleen W.

Chambers, Mary P.  
Driscoll, William J.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baker, George H., Sr.  
Bowers, Dorothy C.  
Cote, David E.  
Daigle, Robert A.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Fenton, James J.  
Fields, Dennis H.  
Gagnon, Gabrielle V.  
Green, Scott E.  
Healy, Daniel J.  
Johnson, Lionel W.  
Larochelle, Roger B.  
Leclerc, Charles J.  
Lozeau, Donnalee M.  
Murphy, Robert E.  
Ouellette, Robert O.  
Pepino, Leo P.  
Reidy, Frank J.  
Soucy, Donna M.  
Turgeon, Roland M.  
White, John M.

Andrews, Frederick B.  
Baldizar, Barbara J.  
Buckley, Raymond  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Ferguson, Charles  
Ford, Nancy M.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Kelley, Dana F.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
Mason, Howard F.  
Nardi, Theodora P.  
Packard, Bonnie B.  
Perham, Lester R.  
Rodgers, G. Philip  
Stiles, Walter A.  
Upton, Barbara A.

Arnold, Barbara E.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrosiers, William J.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Janas, Gregory  
Lachut, Ervin R.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McDowell, James E.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Record, Alice B.  
Sallada, Roland A.  
Tate, Joan C.  
Vanderlosk, Stanley R.

**MERRIMACK**

|                      |                       |                      |
|----------------------|-----------------------|----------------------|
| Asplund, Bronwyn L.  | Barberia, Richard A.  | Boucher, Laurent J.  |
| Chandler, Earle W.   | Daneault, Gabriel J.  | Dunn, Miriam D.      |
| Jacobson, Alf E.     | Jelley, Francis D.    | Johnson, C. William  |
| Kidder, William F.   | Letourneau, George E. | Smith, Gerald R.     |
| Soldati, Jennifer G. | Stapleton, Henry F.   | Stio, Peter M.       |
| Teague, Bert         | Wallner, Mary Jane    | Whittemore, James A. |

**ROCKINGHAM**

|                         |                       |                        |
|-------------------------|-----------------------|------------------------|
| Barnes, John S., Jr.    | Bell, Juanita L.      | Boucher, William P.    |
| Christie, Andrew, Jr.   | Clark, Martha Fuller  | Cote, Patricia L.      |
| Dowd, Sandra K.         | Dowling, Patricia A.  | Falwell, Robert V.     |
| Felch, Charles H., Sr.  | Flanagan, Natalie S.  | Flanders, Harry E.     |
| Flanders, John W., Sr.  | Gage, Beverly A.      | Gribsch, Linda         |
| Haynes, Richard         | Hoar, John, Jr.       | Hoelzel, Kathleen M.   |
| Hurst, Sharleene P.     | Hutchinson, Karen K.  | Hynes, Carolyn E.      |
| Johnson, Robert A.      | Kane, Cecelia D.      | Katsakiores, George N. |
| Klemarczyk, Thaddeus E. | Klemm, Arthur P., Jr. | MacDonald, Joseph A.   |
| MacKinnon, Nancy W.     | Magoon, Harold F.     | Malcolm, Kenneth W.    |
| McCain, William F.      | McGovern, Cynthia A.  | McKinney, Betsy        |
| Melnick, Roy E.         | Packard, Sherman A.   | Pantelakos, Laura C.   |
| Raynowska, Bernard J.   | Rosencrantz, James R. | Roulston, Donald L.    |
| Rubin, George R.        | Senter, Marilyn P.    | Simon, Peter M.        |
| Skinner, Patricia M.    | Sytek, Donna P.       | Thayer, Leroy C.       |
| Tufts, Arthur           | Vaughn, Charles L.    | Welch, David A.        |
| Weyler, Kenneth L.      |                       |                        |

**STRAFFORD**

|                       |                     |                         |
|-----------------------|---------------------|-------------------------|
| Appleby, James E.     | Brown, Julie M.     | Corte, Arthur B.        |
| Frechette, Roland A.  | Martling, W. Kent   | McCann, William H., Jr. |
| Merrill, Amanda A.    | Nehring, William H. | O'Brien, John           |
| Pageotte, Donald P.   | Parks, Joe B.       | Sullivan, Henry P.      |
| Torr, Ann M.          | Tsiros, William     | Vincent, Francis C.     |
| Wheeler, Katherine W. | Young, John B.      |                         |

**SULLIVAN**

|                       |                     |                  |
|-----------------------|---------------------|------------------|
| Burling, Peter Hoe    | Domini, Irene C.    | Flint, Gordon B. |
| Krueger, Richard H.   | Lindblade, Eric N.  | Peyron, Fredrik  |
| Rodeschin, Beverly T. | Schotanus, Merle W. | Walsh, Robert R. |

and the motion lost.

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

Rep. Gross abstained from voting under Rule 16.

Rep. Hunt offered a floor amendment.

**Floor Amendment**

Amend the bill by replacing section 3 with the following:

3 Existing Agreements and Policies Not Affected. Nothing in this act shall affect the terms and provisions of any written employment agreement or published policy in effect prior to May 1, 1991, or to any extension of such an agreement or policy to new employees in the work place to which such agreements or such policies apply.

4 Insurance Benefit Differential Not Affected. Nothing in this act shall prohibit an employer from providing life or health insurance benefits to any employee at a different cost where such cost differential is based upon whether the employee abstains from using tobacco products.

5 Effective Date. This act shall take effect January 1, 1992.

Rep. Hunt requested that the question be divided.

The Chair ruled that the question was divisible.

The question was on Section 4 of the amendment.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Hawkins spoke against and yielded to questions.

Section 4 lost.

The question was on Sections 3 and 5.

Sections 3 and 5 lost.

Rep. Rodgers moved that SB 171 be Laid on the Table

On a division vote, 116 members having voted in the affirmative and 206 in the negative, the motion lost.

Rep. Gross abstained from voting under Rule 16.

Report adopted.

Ordered to third reading.

**SB 202-FN**, relative to due process in the liquor commission's proceedings. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS.

MAJORITY: The Committee is obviously divided between those people who feel that present policy is acceptable and those who feel that a change is indicated. The majority opinion was that it would like the opportunity to do more work on this bill to satisfy the desires of more members of the Committee. Vote 8-6. Rep. Stephen W. Bucu for the Majority of Regulated Revenues.

MINORITY: Representatives Robert N. Kelley, Thomas A. Behrens, Lynn C. Horton, Arthur Klemm, James A. Rosencrantz and Frank J. Reidy reporting for the minority concur with the intent of SB 202 which requires the Liquor Commission to adopt administrative rules in compliance with RSA 541. At present, the Liquor Commission is the only state agency authorized to adopt administrative rules, which operates outside due process as set forth in RSA 541. For instance, as presently written the State Liquor Commission administrative rules allow the Commission to suspend or revoke a liquor license prior to the licensee being granted a hearing. The minority of the Committee believes that the SLC should be required to adopt rules under the guidelines of RSA 541 as do all other agencies. Innocent until proven guilty. Reps. Robert N. Kelley, Thomas A. Behrens, Lynn C. Horton, Arthur Klemm, James A. Rosencrantz and Frank J. Reidy for the Minority of Regulated Revenues.

Rep. Behrens moved that the words Ought to Pass be substituted for the report of the Committee. Re-refer to Committee and spoke to his motion.

Rep. Ward spoke in favor.

Motion adopted.

Ordered to third reading.

**SB 86-FN**, to create low salt districts within the state highway system. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

MAJORITY: The majority of the Committee felt that with the greatly-improved calibrated mechanical salt spreaders and well-trained personnel, there is much better control over the amount of sand and salt used. In other states the amount of salt per



mile used on the posted low salt districts is greater than the amount used per mile in normal road salting in New Hampshire. The Department of Transportation engineers design highway drainage to reduce the danger of salt entering lakes and ponds used for drinking water. Because of the foregoing and the fact that the Highway Department and local municipalities have and will respond to official requests to reduce the use of salt on highways, the majority of the Committee believed that the problem is being addressed without the need for legislation. Vote 10-4. Rep. William H. Nehring for the Majority of Resources, Recreation and Development.

**MINORITY:** This bill addresses the growing concern dealing with salt contamination of public water supplies, resulting from excessive salt dispensing on the state's highways. Evidence and relative actions of neighboring states demonstrate that road salt is a source of non-point contamination of water supplies. Testimony from Manchester Water Works and the fact that the Department of Transportation replaces about 30 private wells a year, for salt contamination, gives validity to this growing problem. The excessive salting of these sensitive public water supplies continues to be an environmental and health issue. The state and local municipalities should be aware of the overall long term impact of salt contamination resulting from excessive road salting. Reps. Peter M. Jankowski and Gregory Janas for the Minority of Resources, Recreation and Development.

Report adopted.

**SB 126-FN**, relative to groundwater classification. **OUGHT TO PASS WITH AMENDMENT.**

This bill establishes a chapter for the purpose of protecting the groundwater resource of our state. It also provides a framework to assist municipalities and to facilitate local control of protective measures. The bill further addresses the Underground Injection Control Program of the Federal Safe Drinking Water Act. This bill has the support of the Business and Industry Association, the New Hampshire Municipal Association, the Department of Agriculture, and the Department of Environmental Services. The Committee recognizes the importance of groundwater quality to the integrity of our surface water and our drinking water. After extensive discussion in both the Subcommittee and the Committee, it was voted Ought to Pass with Amendment 12-I. Rep. Mary Ellen Martin for Resources, Recreation and Development.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Groundwater Protection Act. Amend RSA by inserting after chapter 485-B the following new chapter:

### CHAPTER 485-C

### GROUNDWATER PROTECTION ACT

485-C:1 Statement of Purpose.

I. The purpose of this chapter is to protect the natural quality of the groundwater resource of the state by assisting local groundwater protection efforts and by establishing procedures and standards for the classification of groundwater. The legislature recognizes the fundamental importance of the groundwater resource and the role of local planning and management in groundwater protection, and intends through this legislation to provide a framework for local groundwater protection. The natural quality of the groundwater resource shall be preserved and protected in order that groundwater may be used for drinking water supply. Ambient groundwater quality standards shall meet drinking water standards, and the classification of groundwater shall pro-

vide opportunity for protecting groundwater of high value as a drinking water supply. The legislature recognizes that groundwater constitutes an integral part of the hydrologic cycle and that the protection of groundwater quality is necessary to preserve the integrity of surface water.

II. The legislature finds that the most effective means of preserving the existing high quality of groundwater is by identification and careful management of operations or activities which may cause contamination of groundwater if not properly conducted. Because groundwater is primarily a local resource, cities and towns should have the first opportunity to institute programs for groundwater protection within the scope of this act. Suppliers of water should also have this opportunity because of their vital interest in preserving the quality of their groundwater supply. The state, which has general responsibility for groundwater management in the public trust and interest, should develop groundwater protection programs within the scope of this act when such programs are not developed by a local entity.

485-C:2 Definitions. In this chapter:

I. "Ambient groundwater quality standards" means maximum concentration levels for regulated contaminants in groundwater which result from human operations or activities, as delineated in RSA 485-C:6.

II. "Best management practice" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the risk of contamination of groundwater.

III. "Commissioner" means the commissioner of the department of environmental services.

IV. "Contributing area" means the land above a class of groundwater, which is the vertical projection of the defined class on the land surface.

V. "Department" means the department of environmental services.

VI. "Director" means the director of the division of water supply and pollution control, department of environmental services.

VII. "Division" means the division of water supply and pollution control, department of environmental services.

VIII. "Groundwater" means subsurface water that occurs beneath the water table in soils and geologic formations.

IX. "Groundwater discharge permit" means a permit issued under RSA 485-A:13 for disposal of sewage or waste to the groundwater.

X. "Local entity" means a town or city, acting through a planning board, conservation commission, water department, health officer, or other duly constituted municipal unit; a village district established under RSA 52 or its predecessor statutes; an entity established by intergovernmental agreement under RSA 53-A; or a supplier of water for wellhead protection areas tributary to wells owned by the public water system.

XI. "Person" means any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

XII. "Public water system" means a public water system as defined in RSA 485:1-a, XV.

XIII. "Regulated contaminant" means any physical, chemical, biological, radiological substance or other matter, other than naturally occurring substances at naturally occurring levels, in water which adversely affects human health or the environment.

XIV. "Stratified drift aquifer" means a geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.

XV. "Supplier of water" means a supplier of water as defined in RSA 485:1-a, XVI.

XVI. "Transmissivity" means the rate at which water is transmitted through a unit width of a water-bearing formation under a unit hydraulic gradient. It is equal to the hydraulic conductivity times the thickness of the formation, and is given in units of distance squared per unit time.

XVII. "Well" means a hole or shaft sunk into the earth to observe, sample, or withdraw groundwater.

XVIII. "Wellhead protection area" means the surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

XIX. "Zone of contribution" means the subsurface volume from which groundwater flow is drawn to a pumping well.

485-C:3 Duties of the Division. The division shall:

I. Maintain a statewide map identifying the classes of groundwater.

II. Assist local and regional entities in the development and administration of local wellhead protection programs, including delineation of wellhead protection areas and the inventory and management of activities which have a potential effect on groundwater quality.

III. Cooperate with the office of state planning by providing technical assistance for local groundwater and wellhead protection programs under the water protection assistance program established under RSA 4-C:19.

IV. Maintain an inventory of wells serving public water supply systems, and establish a priority system for delineation of wellhead protection areas and reclassification of these areas to class GAA.

485-C:4 Rulemaking. The division shall adopt rules, pursuant to RSA 541-A, relative to:

I. Criteria and procedures for delineating classes of groundwater.

II. Criteria and procedures for reclassifying groundwater under RSA 485-C:9.

II.

III. Ambient groundwater quality standards as provided under RSA 485-C:6.

IV. Criteria and procedures for conducting and maintaining inventories of potential contamination sources and managing potential contamination sources under RSA 485-C:8.

V. Criteria and procedures for the issuance of groundwater release detection permits as provided under RSA 485-C:13.

VI. Fees for groundwater release detection permits required under RSA 485-C:13.

VII. Best management practices as provided under RSA 485-C:11, except those practices for agricultural operations and pesticide use, and rulemaking relative to such practices, shall be developed, administered and enforced by the New Hampshire department of agriculture.

485-C:5 Classes of Groundwater.

I. All groundwater shall be classified for the purpose of prescribing protections and management practices. These classifications do not necessarily reflect existing water quality. For purposes of classification, all groundwater shall be assigned to one of 4 classes as follows:

(a) Class GAA groundwater shall be the most protected class. Groundwater in this class is within the wellhead protection area for wells which presently are used or well sites which have been identified for future use as drinking water supply for public water systems. An inventory of potential contamination sources in the wellhead protection area shall be conducted, and a management program shall be implemented as provided under RSA 485-C:8.

(b) Class GAI shall be assigned to groundwater in a defined zone of high value for present or future drinking water supply. An inventory of potential contamination sources in the contributing area of this class shall be conducted, and a management program shall be implemented as provided under RSA 485-C:8.

(c) Class GA2 shall be assigned to groundwater within aquifers identified as highly productive for potential use as a public water supply by the U.S. Geological Survey regional groundwater studies, or other regional studies. Zones of stratified drift with a saturated thickness greater than 20 feet, and a transmissivity greater than 1,000 feet squared per day shall be designated as class GA2. Zones of bedrock with average well yields greater than 50 gallons per minute shall also be designated as class GA2.

(d) Class GB shall be assigned to all groundwater not assigned to a higher class.

II. The land area vertically above shall be assigned to the highest class of groundwater beneath it, for purposes of managing potential contamination sources.

#### 485-C:6 Ambient Groundwater Quality Standards.

I. The division shall establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment. Ambient groundwater standards shall apply to all regulated contaminants which result from human operations or activities, but do not apply to naturally occurring contaminants. Where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ambient groundwater quality standards shall be equivalent to such standards. Where such standards are based upon cancer risks, the ambient groundwater quality standards shall be equivalent to that exposure which causes a lifetime exposure risk of one cancer in 1,000,000 exposed population. Where no federal maximum contaminant level or health advisory has been issued, the division may adopt ambient groundwater quality standards on a basis which provides for an adequate margin of safety to protect human health and safety.

II. Ambient groundwater quality standards shall be the water quality basis for issuance of groundwater discharge permits under RSA 485-A:13.

III. Except for discharges of domestic wastewater regulated under RSA 485-A:13 and RSA 485-A:29, no person shall violate ambient groundwater quality standards.

#### 485-C:7 Potential Contamination Sources.

I. Human activities or operations upon the land surface shall be considered potential contamination sources if the activity or operation poses a reasonable risk that regulated contaminants may be introduced into the environment in such quantities as to degrade the natural groundwater quality.



II. For purposes of this chapter, potential contamination sources shall include the following:

(a) Vehicle service and repair shops, including but not limited to: automobile, truck, and equipment service or repair shops, autobody shops; and aircraft fueling, deicing, and maintenance areas.

(b) General service and repair shops, including but not limited to: furniture stripping, painting, and refinishing; photographic processing; printing; appliance and small engine repair; boat repair, service, and refinishing; refrigeration, heating, ventilating and air conditioning shops.

(c) Metalworking shops, including, but not limited to: machine shops; metal plating, heat treating, smelting and jewelry making shops.

(d) Manufacturing facilities, including, but not limited to: electronics and chemical manufacturing, processing, and reclamation; paper, leather, plastic, fiberglass, rubber, silicon and glass making; a pharmaceutical production; pesticide manufacture; and chemical preservation of wood and wood products.

(e) Underground and above ground storage facilities for oil and hazardous substances, as defined in RSA 146-C.

(f) Waste and scrap processing and storage, including, but not limited to: junkyards, scrap yards, and auto salvage yards; wastewater treatment plants; dumps, landfills, transfer stations and other solid waste facilities; and wastewater or seepage lagoons.

(g) Transportation corridors, including, but not limited to, highways and railroads.

(h) Septic systems, including, but not limited to large septic systems which require a groundwater discharge permit under RSA 485-A:13.

(i) Laboratories and professional offices, including but not limited to: medical, dental, and veterinary offices; and research and analytical laboratories.

(j) Use of agricultural chemicals, including but not limited to: golf courses; feed lots, kennels, piggeries, and manure stockpiles; parks; nurseries and sod farms; and the usage of registered pesticides.

(k) Salt storage and use for winter road and parking lot maintenance.

(l) Snow dumps.

(m) Stormwater infiltration ponds or leaching catch basins.

(n) Cleaning services, including but not limited to: dry cleaners, laundromats; beauty salons; and car washes.

(o) Food processing plants, including but not limited to: meat packing and slaughter houses; dairies; and processed food manufacture.

(p) Fueling and maintenance of excavation and earthmoving equipment.

(q) Concrete, asphalt and tar manufacture.

(r) Cemeteries.

(s) Hazardous waste facilities regulated under the resource conservation and recovery act, as implemented by RSA 147-A.

485-C:8 Inventory and Management.

I. Inventory and management under this section shall be performed in GAA or GA1 contributing areas by the division or, by the local entity requesting reclassification under RSA 485-C:9, II(a) or III(a).

II. The inventory of potential contamination sources required in contributing areas designated as class GAA or GA1 shall include the site address, tax map and lot number, property owner name and address, and operator name and address for all

potential contamination sources within the contributing area of a designated class. The inventory shall include estimates of the type and quantities of regulated substances used in the activity or generated as waste materials. The inventory shall be based on physical site inspections of the potential contamination sources within the designated class area.

III. Potential contamination sources in class GAA and GA1 contributing areas shall be managed by:

(a) Updating the inventory at intervals not to exceed 3 years.

(b) Notifying the owner of each potential contamination source by letter at intervals not to exceed 3 years that the activity is being conducted within a contributing area of a class of groundwater designated for high protection because of its value for drinking water supply. The notice shall state that such activities shall be subject to best management practices, and shall provide information concerning where copies of applicable best management practices may be obtained.

(c) Performing an inspection at least once every 3 years of all potential contamination sources located within the contributing area to ascertain compliance with best management practices provided, however, that the following shall not be subject to inspection under this chapter:

(1) Pesticides which are regulated under RSA 430:28-48; and

(2) Agricultural operations which are operated in compliance with all applicable chapters of RSA title XL, RSA 425 through RSA 443, and best management practices developed, administered and enforced by the New Hampshire department of agriculture.

(d) Enforcing rules for best management practices adopted under RSA 485-C:11.

IV. The authority granted to local entities and other agencies under this chapter shall not be interpreted to extend to RSA 430:28-48.

485-C:9 Procedures for Classification and Reclassification.

I. Within 180 days of the effective date of this act, the commissioner shall assign all groundwater within the state to class GB or class GA2.

II. Procedures for Reclassification to Class GAA.

(a) A local entity may request reclassification of a wellhead protection area to class GAA by submitting a written request to the division which includes a wellhead protection area delineation, a potential contamination source inventory, and a potential contamination source management program to be implemented by the local entity. When a local entity is a town or a city, the local governing body, as defined in RSA 672:6, shall concur in writing with the request for reclassification.

(b) The division may, on its own motion, propose reclassification of an area to class GAA after delineation of the wellhead protection area, inventory of potential contamination sources, and establishment of a written management program to be implemented by the division.

(c) The director shall review requests for reclassification by local entities and proposals for reclassification prepared on the division's own motion, and shall recommend reclassification to the commissioner when the director determines that the proposed reclassification meets all the requirements of this chapter and rules adopted under this chapter. The commissioner shall act upon such recommendation pursuant to RSA 485-C:9, VI.

III. Procedures for Reclassification to Class GA1.

(a) A local entity may request reclassification of a zone of groundwater to class GA1 by submitting a written request to the division which includes a definition of the contributing area of the proposed zone, a potential contamination source inventory, and a potential contamination source management program, to be implemented by the local entity. When the local entity is a town or a city, the local governing body, as defined in RSA 672:6 shall concur in writing with the request for reclassification.

(b) The division may, on its own motion, propose reclassification of groundwater to class GA1 for any groundwater previously classified GA2, after definition of the contributing area, inventory of potential contamination sources, and establishment of a written management program to be implemented by the division.

(c) The director shall review requests for reclassification by local entities and proposals for reclassification prepared on the division's own motion, and shall recommend reclassification to the commissioner when the director determines that the proposed reclassification meets all the requirements of this chapter and its rules. The commissioner shall act upon such recommendations pursuant to RSA 485-C:9, VI.

IV. Procedures for reclassification to class GA2. When the division receives a report or study which identifies areas of bedrock or stratified drift aquifers which are highly productive for public water supply, the division shall review the report or study, and shall recommend reclassification to class GA2 to the commissioner for all areas which meet the criteria for this class, and are not currently classified GA1 or GAA.

#### V. Procedures for reclassification to Class GB.

(a) The division may, on receipt of a request, or on its own motion, review any contributing area classified as GAA or GA1 to determine if the requirements for inventory and management of potential contamination sources are being met. If the division determines that requirements are not being met, the division shall request correction of deficiencies in writing to the responsible local entity. If deficiencies are not corrected within 6 months, the division may either assume inventory and management of the potential contamination sources in the contributing area and correct the deficiencies, or the director shall recommend reclassification to class GB or GA2 to the commissioner.

(b) For a class GA2 area, the director shall recommend reclassification to class GB to the commissioner if a review of regional groundwater studies shows that the criteria of RSA 485-C:5, I(c) for the class are not met.

VI. Procedures applicable to all reclassifications. The commissioner shall reclassify groundwater upon recommendation of the director, when the commissioner determines that the proposed reclassification meets all the requirements of this chapter and rules adopted under this chapter. Prior to any such reclassification the commissioner shall:

(a) Provide written notice of the proposed reclassification and public hearing to the town or city clerk of all affected municipalities at least 30 days prior to the public hearing.

(b) Provide written notice of the proposed reclassification and public hearing to landholders of record within the contributing area at least 30 days prior to the public hearing.

(c) Hold a public hearing.

485-C:10 Degraded Groundwater.

I. Groundwater which has been degraded below ambient groundwater quality standards by past operations, discharges, or other human activities shall not be excluded from the designated class.

II. Groundwater which does not meet ambient groundwater quality standards due entirely to natural causes shall not be excluded from the designated class.

485-C:11 Best Management Practices.

I. The division shall develop best management practices for the activities identified in RSA 485-C:7 as potential contamination sources, except those activities under RSA 485-C:7, II(j) which shall be subject to best management practices and the applicable provisions of RSA title XL, RSA 425 through RSA 443, developed, administered and enforced by the New Hampshire department of agriculture.

II. Best management practices shall strike a reasonable balance between environmental, energy, and economic impacts. These best management practices shall apply to all potential contamination source activities in the state. In developing best management practices for an activity or type of activity over which another state agency has regulatory jurisdiction, the division shall consult with that agency, and may, through a memorandum of agreement delegate to that agency the administration of best management practices. Best management practices shall not be inconsistent with applicable state or federal rules and regulations concerning such activities or with the intent of this chapter.

485-C:12 Prohibited Uses. Within any wellhead protection area classified as GAA, the following new uses are prohibited:

I. The siting or operation of a hazardous waste disposal facility as defined under RSA 147-A.

II. The siting or operation of a solid waste landfill.

III. The outdoor storage of road salt or other deicing chemicals in bulk.

IV. The siting or operation of a junk or salvage yard.

V. The siting or operation of a snow dump.

VI. The siting or operation of a wastewater or septage lagoon.

485-C:13 Groundwater Release Detection Permit.

I. The purpose of a groundwater release detection permit shall be to monitor groundwater for early detection of any impact to groundwater quality.

II. A groundwater release detection permit shall be required for the following activities in all classes of groundwater:

(a) The siting or operation of a hazardous waste disposal facility as defined under RSA 147-A.

(b) The siting or operation of a lined solid waste landfill.

(c) The siting or operation of a lined wastewater lagoon.

(d) The siting or operation of a facility for processing soils contaminated with petroleum products.

III. A groundwater release detection permit shall be required for the following additional activities in a class GAA wellhead protection area:

(a) The siting or operation of a new solid waste composting or solid waste resource recovery facility.

(b) The operation of an existing activity which is listed in RSA 485-C:12 as a prohibited new use, unless such activity is required to obtain a groundwater discharge permit under RSA 485-A:13.



IV. The groundwater release detection permit:

- (a) Shall require compliance with all applicable state and local laws and regulations;
- (b) Shall include periodic monitoring of on site groundwater quality to be performed by the permittee with reports to the division;
- (c) May contain such other conditions as are reasonable and consistent with the purpose of this chapter; and
- (d) Shall be issued for a fixed term of 5 years.

V. Applications for groundwater release detection permits shall be on forms provided by the division and shall contain such information as the division shall require by rule.

VI. Application for a groundwater release detection permit for an existing facility or activity shall be made within 6 months of the date of notification of reclassification to GAA, or when a permit is required in any class, within 18 months of the effective date of this act. No person shall be deemed in violation of this chapter if such person shall have made application for a groundwater release detection permit for an existing facility or activity which is made within the required period, and the division has failed to grant or deny such permit.

485-C:14 Notice to Municipality. Upon submission to the department of an application for a permit necessary for an activity in a contributing area classified as GA1 or GAA, which is a potential contamination source under RSA 485-C:7, the state shall notify the local governing body, as defined in RSA 672:6, as well as the local entity, if known, of the filing of the application and shall suspend action on the application for 30 days to allow time for receipt of recommendations from the local entity. For any application required by law to be acted upon within a certain prescribed time, the time shall be extended automatically by 30 days to allow for comment. The department shall proceed to act upon the application at the end of 30 days, even if no comments have been received. If the local entity submits recommendations to the department on the application, the department shall make written findings explaining any deviation from such recommendations. This section shall not apply to applications to construct domestic septic systems, provided that the system has an aggregate capacity of less than 20,000 gallons per day on one lot.

485-C:15 Investigation and Inspection. The division, any authorized representative, any authorized representative of any agency operating under a memorandum of agreement with the division, or any town or city health officer may enter any land or establishment for the purpose of administering the provisions of this chapter, and shall at reasonable times have access to any facility subject to this chapter.

485-C:16 Cease and Desist Orders.

I. The division may issue a written cease and desist order against any violation of this chapter or rule adopted under this chapter. Local health officers shall have concurrent power to issue such orders. Such orders shall set out the specific acts which are alleged to be in violation, and the specific activities which are to be enjoined. Such orders shall be effective immediately. Health officers shall provide copies of such orders to the commissioner upon issuance. The commissioner may take whatever action is deemed necessary to ensure uniform state enforcement. Any person to whom an order is issued by a local health officer may, within 15 days, request review of the order by the division.

The division shall review the order within 15 days of receipt of the request for review. If the division fails to act on the request for review, the order shall no longer

be in effect. If the division finds the order to have insufficient basis or to be no longer necessary, it shall state that fact in writing, and the order shall no longer be in effect.

II. A written cease and desist order issued by the division under paragraph I may be recorded by the division in the registry of deeds for the county in which the property is situated and, on recordation, such order shall run with the land; provided, however, that an appropriate description of the land involved, including the accurate name of the record owner, shall be incorporated in the cease and desist order. No fee shall be charged for recording such an administrative order; however, the fee for discharge of any such order shall be the same as for the discharge of a lien on real property.

III. No fine or penalty shall be imposed for failure to comply with an order if such failure did not otherwise result in a violation of this chapter or rules adopted under this chapter.

485-C:17 Appeals. Actions of the division under RSA 485-C:16 may be appealed to the water supply and pollution control council under RSA 21-O:7 and RSA 21-O:14.

485-C:18 Administrative Fines. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or any rule, permit or order adopted or issued under this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. A schedule of administrative fines which may be imposed under this section for violation of this chapter.

II. Procedures for notice and hearing prior to the imposition of an administrative fine.

485-C:19 Penalties and Other Relief.

I. Any person who knowingly violates this chapter, or any rule, permit, or order adopted or issued under this chapter; or who knowingly or recklessly makes any material false statement in any document required to be filed or maintained pursuant to this chapter; or who knowingly or recklessly renders inaccurate, falsifies, or tampers with any monitoring device or method required under this chapter; or who knowingly fails, neglects, or refuses to obey any lawful order of the division, shall be guilty of a misdemeanor if a natural person, and a felony if any other person. Such person shall also be subject to a civil penalty not to exceed \$25,000 for each violation or for each day of a continuing violation.

II. Any person who violates this chapter or a rule, permit, or order adopted or issued under this chapter, shall be subject to a civil penalty not to exceed \$10,000 for each violation or for each day of a continuing violation.

485-C:20 Effect on Local Ordinances. Nothing in this chapter shall be deemed to preempt the authority of municipalities, under other statutes, to enact local ordinances or regulations affecting groundwater, provided, however, that requirements imposed under this chapter shall be considered as minimum.

2 Reference Changed. Amend the introductory paragraph of RSA 485:48 to read as follows:

The division may institute a wellhead protection program [and may adopt rules, pursuant to RSA 541-A, to implement such program. The program, if instituted,] as

*described in section 1428 of the federal Safe Drinking Water Amendments of 1986. The program shall be consistent with the provisions of RSA 485-C and shall include, but not be limited to, the following:*

3 New Paragraph: Underground Injection Control Program; Rulemaking Authority. Amend RSA 485:3 by inserting after paragraph IX the following new paragraph:

X. The division may adopt rules to implement the Underground Injection Control Program of the Federal Safe Drinking Water Act, 42 U.S.C. section 300F, et, seq. as well as rules pertaining to permits for the regulation and remediation of contamination from previous discharges or disposal of waste to the groundwater. The division's rules shall include criteria and procedures to ensure that past and present underground injection will not endanger drinking water sources, and shall provide for consideration of varying geologic, hydrologic, or other conditions in different areas within the state.

4 Effective Date.

I. RSA 485-C:18 and RSA 485-C:19 as inserted by section 1 of this act shall take effect July 1, 1993.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill protects the groundwater resource by regulating possible contaminants and provides assistance to municipalities by facilitating protective measures at the local level. The division of water supply and pollution control is responsible for administering this chapter. Under this bill, groundwater is divided into 4 qualities, GAA, GA1, GA2 and GB, with GAA being the most protected and GB the least.

This bill also grants the division of water supply and pollution control the authority to adopt rules to implement the Underground Injection Control Program of the Federal Safe Water Drinking Act.

Adopted.

Report adopted.

Ordered to third reading.

**SCR 2**, urging the Federal Energy Regulatory Commission to deny a rate increase for Public Service Company of New Hampshire. RE-REFER TO COMMITTEE.

Given continuing uncertainty surrounding the future of the New Hampshire Electric Cooperative, the majority believes that it is prudent for the Committee to retain this resolution regarding coop rates. Vote 6-4. Rep. Amanda A. Merrill for Science, Technology and Energy.

Re-referred to Committee.

**SB 76**, relative to the age requirement for retirement communities. RE-REFER TO COMMITTEE.

This bill is similar to HB 241 and the Committee feels that work should be done to make certain that the language conforms to federal statutes. Vote 10-2. Rep. Patricia A. Dowling for State Institutions and Housing.

Re-referred to Committee.

**SB 193-FN**, relative to limits on motorboat speeds. RE-REFER TO COMMITTEE.

The Committee, by a vote of 16-1, recommended re-referral of a bill that would have set speed limits on the lakes of New Hampshire. The majority of the Committee felt more time was needed to revise a Senate Bill that seemed to have many flaws. Rep. Richard L. Haynes for Transportation.

Re-referred to Committee.

**SPECIAL ORDERS**

Reps. Gross and Chambers moved that **SB 83**, relative to the investment of public funds, **SB 67-FN**, relative to establishing a study committee to study the feasibility of revising the school building aid formula, **SB 138-FN**, establishing a committee to study the bidding process on state construction projects, and **SB 223**, relative to prohibiting the study committee established under 1989, 281:1 from considering whether to move or relocate the Dover toll plaza, all removed from the Consent Calendar, be made Special Orders for May 16.

Adopted.

**SB 157-FN**, relative to bingo. OUGHT TO PASS.

This bill increases the number of bingo game dates per month to 10 and for the year to 120. It increases total money prize for one game from \$2,050 to \$3,500. It also authorizes more than one senior citizen bingo game per week. The Fiscal Note calls for state expenditures of \$10,000 in FY 91 and increases state revenues by \$50,000 in FY 92 and each year thereafter. Vote 13-0. Rep. Lynn C. Horton for Regulated Revenues.

Rep. Rosencrantz offered a floor amendment, spoke in favor and withdrew his amendment.

Adopted.

Referred to Appropriations

**SB 196-FN**, relative to administrative revocation of motor vehicle licenses of persons under age 21. OUGHT TO PASS WITH AMENDMENT.

This bill establishes procedures for administrative revocation of motor vehicle licenses. The program shall apply in the first year only to persons under 21 years of age and shall apply to all persons effective January 1, 1993.

The bill also authorizes the Commissioner of the Department of Safety and the Attorney General to transfer funds, upon approval of the Legislative Fiscal Committee and Governor and Council to support implementation of this act, if adequate funds are not otherwise appropriated.

The bill increases driver's license fees and establishes a special account for placement of all monies collected for the purposes of establishing and implementing an on-line imaging system for driving licenses. All monies remaining in the account on July 1, 1993 shall lapse to the highway fund. Vote 12-1. Rep. George N. Katsakiores for Transportation.

**Amendment**

Amend RSA 265:94-d, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Two years from the date on which the revoked license was surrendered to and received by the department or from such other date as shall be determined by the department in cases of revocation for refusing to submit to a test under the provisions of RSA 265:92 or for submitting to a test disclosing an alcohol concentration of 0.10 or more under the provisions of RSA 265:94-b where the person has any prior driving while intoxicated or aggravated driving while intoxicated offense or for any prior refusal of consent or any prior administrative revocation of a motor vehicle license under this subdivision for submitting to a test disclosing an alcohol concentration of 0.10 or more under the provision of RSA 265:94-b.



Amend RSA 265:94-e as inserted by section 1 of the bill by replacing it with the following:

265:94-e Appeal. Any person aggrieved by a decision of the department under RSA 265:94-b, I(d) may appeal the decision in Merrimack county superior court as specified in RSA 263:76. Should the volume of cases exceed the capacity of the court, then the chief justice of the superior court may transfer cases brought under this section to another superior court in the state.

#### AMENDED ANALYSIS

The bill establishes procedures for administrative revocation of motor vehicle licenses. The program shall apply in the first year only to persons under 21 years of age and shall apply to all persons effective July 1, 1992. The program covers:

- (a) Implied consent.
- (b) License revocation, suspension, and reinstatement.
- (c) Notification requirements to persons charged under the law.
- (d) Hearing procedures.
- (e) Appeals.
- (f) Rulemaking.

This bill also authorizes the commissioner of the department of safety and the attorney general to transfer highway funds, upon approval of the legislative fiscal committee and governor and council, to support implementation of this act if adequate funds are not otherwise appropriated.

The bill also increases drivers' license fees and establishes a special account for the placement of all moneys collected as a result of the increase in drivers' license fees. The account is for the purpose of establishing and implementing an on-line imaging system for driver licensing. All moneys remaining in the account on July 1, 1993, shall lapse to the highway fund.

In addition, this bill allows the chief justice of the superior court to transfer cases brought under RSA 265:94-e to other superior courts if the volume of cases in Merrimack county superior court exceeds the court's capacity to hear them.

Rep. Martling moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Katsakiores spoke against.

Rep. Lozeau spoke in favor.

Rep. Sherman Packard spoke against.

On a division vote, 251 members having voted in the affirmative and 63 in the negative, the motion was adopted.

Re-referred to Committee.

#### RESOLUTION

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 16, 1991 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 28-FN-A**, relative to promoting New Hampshire businesses and products internationally.

**SB 125-FN**, relative to child abuse and neglect proceedings.

**SB 140-FN**, establishing a committee to study rate setting for certain services, placements, and programs.

**SB 22**, relative to changes in reimbursement requirements for psychologists.

**SB 37**, relative to amending provisions of the voluntary corporation statute.

**SB 102-FN**, authorizing the bank commissioner to establish and administer a public deposit investment pool.

**SB 155**, relative to mechanics' liens.

**SB 5-FN**, relative to Skyhaven airport.

**SB 115-FN**, relative to livestock.

**SB 90-FN**, relative to the Salmon Falls Road in the cities of Somersworth and Rochester.

**SB 165-FN**, relative to permit fees for excavating and dredging permits.

**SB 224**, relative to increasing the bonding authority for industrial development projects for the city of Dover.

**SB 189-FN**, allowing raffles to be conducted at the same place as bingo games.

**SB 79-FN**, establishing a committee to study an expedited permit process for environmental permits.

**SB 114-FN**, requiring a report on certain water laws.

**SB 3-A**, relative to exit 10 on the Spaulding turnpike and making an appropriation therefor.

**SB 7-FN-A**, relative to an industrial research center at the university of New Hampshire.

**SB 11-A**, appropriating funds for a new courthouse in Rockingham county.

**SB 14-A**, relative to environmental and engineering studies and acquisition of rights-of-way for the construction of a truck lane on United States Route 2 in Jefferson, New Hampshire, and making an appropriation therefor.

**SB 41-A**, relative to the construction of a fire training academy for New Hampshire fire fighters and making an appropriation therefor, and relative to motor vehicle records fees.

**SB 61-FN**, relative to speedy payments for the care of children in foster homes.

**SB 64-A**, relative to the superior courthouse in Nashua and making an appropriation therefor.

**SB 71-FN-A**, relative to superior court justices.

**SB 72-FN-A**, establishing and continually appropriating a fund for the purchase of vaccines.

**SB 122-FN**, exempting certain solid waste districts from application fees.

**SB 128-FN-A**, relative to the development of an electronic benefit transfer system and making an appropriation therefor.

**SB 149-FN-A**, relative to reimbursing a certain school cooperative for certain expenses and making an appropriation therefor.

**SB 173-FN-A**, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor.

**SB 180-FN**, relative to the hearings process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals.

**SB 210-FN-A**, relative to drugged driving and making an appropriation therefor.

**SB 85-FN**, relative to women's sports.

**SB 225-FN**, relative to the higher educational building corporation and loan eligibility.

**SB 97**, relative to administrative rules and state mandates.

**SB 74-FN**, establishing a committee to study the use of funds appropriated for catastrophic illness care.

**SB 87-FN**, relative to replacement employees.

**SB 171-FN**, relative to discrimination in the workplace.

**SB 202-FN**, relative to due process in the liquor commission's proceedings.

**SB 126-FN**, relative to groundwater classification.

### SUSPENSION OF RULES

Rep. Hager moved that the rules be so far suspended as to permit the Committee on Appropriations to hold a public hearing on SB 157-FN, relative to bingo, and SB 191-FN, relative to fines and to loss of driver's license and plates for court defaults.

Adopted by the necessary two thirds

Rep. Ann Torr moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 6:10 p.m.

### RECESS

(Rep. Gross in the Chair)

### ENROLLED BILLS REPORT

**HB 118**, relative to determination of alimony where one spouse has remarried.

**HB 168**, relative to highway classifications.

**HB 175-FN**, relative to the hunting of pheasants.

**HB 275-FN-A**, establishing a permanent heritage collections committee and a New Hampshire heritage trust fund, continually appropriating funds in the trust fund to the committee, and making an appropriation therefor.

**HB 419**, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton.

**HB 431-FN**, relative to exempting certain purchases for severely emotionally disturbed children from state purchasing requirements.

**HB 710-FN**, relative to the regulation of tree stands, observation blinds, and pit blinds.

**SB 101-FN**, establishing a study committee relative to the industrial development authority.

**SB 139-FN**, relative to preventing damage to underground utility installations.

Rep. Marsh for the Committee

### RECESS

Rep. C. Dana Christy moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 23**

Thursday, May 16, 1991

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairsto.

Eternal God, who brought forth the universe and gives and sustains life, for all that we receive from Your hand we offer our praise and our thanksgiving. Be with us this day, we pray, as we undertake the business before this body. In our speaking give us clarity of thought and voice that others might fully understand what we say. In our listening give us openness and sensitivity that we may understand our colleagues' points of view as clearly as we wish them to understand ours. And in our voting guide us, we ask, in the way of truth, justice, and compassion, that in all the very difficult choices before us the very best may be found. Amen.

Rep. Tarpley-Bamberger led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Parr, Splaine, Feuerstein, Eunice Campbell, Molner, Bickford, Cornelius Keen, and Hynes, the day, illness.

Reps. Bucu, Morse, Vogler, Sandra Keans, Vanderlosk, Robert Wheeler, Burke, Markley, Douglass, Coffey, Shackett, David Young (military service), Holmes, Robert Foster, LaMar, DiPietro, Martha Fuller Clark, Beach, Warburton, Drake, Rodgers, Weyler, Joyce Johnson, Ralph Torr, Crotty, Michael Hill and Stamatakis, the day, important business.

Rep. Irene Pratt, the day, death in the family.

Rep. Hambrick, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Ken Fogerty, guest of Rep. Fenton. The fourth grade class from Thornton's Ferry School and teachers Mrs. Downing and Mrs. Denutte, guests of the Merrimack Delegation. Elzear Dagenais, guest of Rep. Adams. Former Reps. Ellen Dube and Mary Jenkins, guests of Reps. Irene Messier and Holden. Moriah Marsh and Cassie Chandler, guests of Rep. Douglas Hall. Harry Reed, guest of Rep. Earl Chandler.

**COMMUNICATION**

May 17, 1991

Hon. Harold Burns, Speaker of the House

Please accept this letter as my official resignation as a member of the New Hampshire House of Representatives from Derry.

Due to poor health, I will be unable to serve out my term.

It has been my pleasure to serve you and my colleagues the past four years.

I wish you all the best in the future.

Respectfully submitted, Eunice Campbell.

**ENROLLED BILLS AMENDMENTS**

**SB 214-FN**, exempting specialized programs or equipment of the Christa McAuliffe planetarium from the state's competitive bidding process.



**Amendment**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 1991.

Adopted.

**HB 655-FN**, relative to statistical reports.

**Amendment**

Amend the bill by replacing line 6 of section 2 of the bill with the following:

RSA 189:28 by September 1. At the end of 30 days the commissioner of the

Adopted.

**HB 692-FN**, relative to reinsurance intermediaries.

**Amendment**

Amend section 1 of the bill by replacing lines 2 and 3 with the following:

after RSA 402-E the following new chapter:

**CHAPTER 402-F**

Amend RSA 402-E:5, I as inserted by section 1 of the bill by replacing line 3 with the following:

person is licensed as required by RSA 402-F:2, I.

Amend RSA 402-E:6, IV(i) as inserted by section 1 of the bill by replacing line 2 with the following:

permitted under RSA 402-F:8, IV, including the identity of

Amend RSA 402-E:6, X as inserted by section 1 of the bill by replacing line 7 with the following:

pursuant to RSA 402-F:8, III.

Amend RSA 402-E:8, I as inserted by section 1 of the bill by replacing line 3 with the following:

person is licensed as required by RSA 402-F:2.

Amend RSA 402-E:11, I as inserted by section 1 of the bill by replacing line 2 with the following:

under RSA 402-F:2.

Amend RSA 402-E:11, III as inserted by section 1 of the bill by replacing line 2 with the following:

RSA 402-F:9.

Amend the section numbers of RSA 402-E:1-11 to read as RSA 402-F:1-11.

Adopted.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 224-FN**, relative to new motor vehicle arbitration. (Amendment printed SJ 19, 4/25/91)

Rep. Foss moved that the House concur.

Adopted.

**HB 245**, prohibiting pre-season baiting. (Amendment printed SJ 24, 5/14/91)

Rep. Perham moved that the House concur.

Adopted.

**HB 447**, relative to bulk commodities. (Amendment printed SJ 22, 5/7/91)

Rep. Haynes moved that the House concur.

Adopted.

**HB 604**, granting rulemaking authority to the division of waste management relative to special waste and defining special waste. (Amendment printed SJ 23, 5/9/91)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

**HB 607**, permitting actions for damages resulting from violations of workers' compensation laws by bidders on construction contracts. (Amendment printed SJ 21, 5/2/91)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Turner, Dow and Drabinowicz.

**HB 617-FN**, relative to fishing permits for certain head-injured persons. (Amendment printed SJ 24, 5/14/91)

Rep. Perham moved that the House concur.

Adopted.

**HB 620-FN**, relative to the transportation of alcohol in open containers. (Amendment printed SJ 23, 5/9/91)

Rep. Haynes moved that the House concur.

Rep. Stewart spoke in favor.

Rep. Jasper spoke against.

Rep. John Sytek moved that HB 620 be laid on the table.

Roll call request sufficiently seconded.

The question being on the motion to table.

#### YEAS 101

#### NAYS 197

#### YEAS 101 BELKNAP

Cain, Thomas G.  
Joscelyn, William W.  
Shibley, Arnold P.

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Ziegra, Alice S.

Johnson, Carl R.  
Rice, Thomas E. P., Jr.

#### CARROLL

Chandler, Gene G.  
Saunders, Howard N.

Dickinson, Howard C.  
Wiggin, Allen R.

Jean, Robert R.  
Wiggin, Gordon E.

#### CHESHIRE

Feuer, Joseph N.  
Lynch, Margaret A.

Hunt, John B.

Kennison, Wayne A.

#### COOS

Brungot, Catherine V.  
Guay, Lawrence J.  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Horton, Lynn C.

Coulombe, Henry W.  
Merrill, Gerald P.

#### GRAFTON

Driscoll, William J.  
Nielsen, Niels E., Jr.

Hill, Richard L.

Lougee, Richard W.

**HILLSBOROUGH**

Alukonis, David J.  
 Bowers, Dorothy C.  
 Cook, Valerie S.  
 Dyer, Merton S.  
 Healy, Walter F.  
 Jasper, Shawn N.  
 Larochelle, Roger B.  
 Lefebvre, Roland J.  
 Murphy, Robert E.  
 Sallada, Roland A.

Andrews, Frederick B.  
 Calawa, Leon, Jr.  
 Daigle, Robert A.  
 Greenglass, Alan B.  
 Holden, Carol H.  
 Johnson, Lionel W.  
 Laughlin, J. Francis  
 McRae, Karen K.  
 Paquette, Rodolphe G.  
 Searles, Stanley N., Sr.

Baker, George H., Sr.  
 Chasse, Richard D.  
 Daniels, Gary L.  
 Healy, Daniel J.  
 Janas, Gregory  
 King, Frank P.  
 Lawrence, Norman B.  
 Mercer, Robert S.  
 Pepino, Leo P.

**MERRIMACK**

Boucher, Laurent J.  
 Fillion, Paul R.  
 Kidder, William F.  
 Stapleton, Henry F.

Christie, Thomas J.  
 Hayes, Robert C.  
 Millard, Elizabeth S.  
 Stio, Peter M.

Daneault, Gabriel J.  
 Jacobson, Alf E.  
 Smith, Gerald R.  
 Teague, Bert

**ROCKINGHAM**

Boucher, William P.  
 Dowling, Patricia A.  
 Greene, Elizabeth A.  
 McKinney, Betsy  
 Schanda, Joseph, Sr.  
 Sytek, Donna P.  
 Woods, Deborah L.

Cote, Patricia L.  
 Dube, LeRoy S.  
 Hoelzel, Kathleen M.  
 Raynowska, Bernard J.  
 Simon, Peter M.  
 Sytek, John J.

Dowd, Sandra K.  
 Ford, Bert H.  
 Johnson, Robert A.  
 Rosencrantz, James R.  
 Smith, Arthur W.  
 Welch, David A.

**STRAFFORD**

Appleby, James E.  
 Flynn, Edward J.  
 Tsiros, William

Bernard, Mary E.  
 Jankowski, Peter M.  
 Vincent, Francis C.

Brown, Julie M.  
 Marston, Robert E.  
 Young, John B.

**SULLIVAN**

Allison, David C.

Middleton, John A.

Peyron, Fredrik

**NAYS 197****BELKNAP**

Accornero, Harry  
 Holbrook, Robert G.  
 Turner, Robert H.

Bartlett, Gordon E.  
 Rosen, Ralph J.

Golden, Paul A.  
 Salatiello, Thomas B.

**CARROLL**

Bradley, Jeb E.

Daly, Robert J., Jr.

Dodge, A. Gibb, Jr.

**CHESHIRE**

Champagne, Richard L.  
 Crutchley, Donald O.  
 Grodin, Richard A.  
 Laurent, John J.  
 Sawyer, Alfred P.

Clark, Eugene W.  
 DePecol, Benjamin J.  
 Hogan, James B.  
 Pearson, Gertrude B.  
 Spear, Susan S.

Cole, Stacey W.  
 Foster, Katherine D.  
 Kingsbury, H. Thayer  
 Perry, David M.

**COOS**

Hawkinson, Marie C.  
Mayhew, Josephine  
Theriault, Romeo J.

Kilbride, Dennis J.  
Nelson, Harold D.

Marsh, Beaton  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Larson, Nils H., Jr.  
Scanlan, David M.  
Wadsworth, Karen O.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Ward, Kathleen W.

Bean, Pamela B.  
Chambers, Mary P.  
Guest, Robert H.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baldizar, Barbara J.  
Cote, David E.  
Desrosiers, William J.  
Donovan, Francis X.  
Durham, Susan B.  
Ferland, Arthur P.  
Gage, Ruth E.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lozeau, Donnalee M.  
McCann, Bonnie Lou  
Messier, Irene M.  
Ouellette, Robert O.  
Peters, Stanley W.  
Rheault, Lillian I.  
Steiner, Lee Anne  
Tate, Joan C.  
Wheeler, David K.

Ahrens, Frederick G.  
Bourque, Ann J.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Fenton, James J.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Haettenschwiller, Alphonse  
Hultgren, David D.  
Kurk, Neal M.  
Lawrence, Eva M.  
Martin, Mary Ellen  
McDowell, James E.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Record, Alice B.  
Robinson, Ellen-Ann  
Stiles, Walter A.  
Turgeon, Roland M.  
White, John M.

Amidon, Eleanor H.  
Buckley, Raymond  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Ferguson, Charles  
Ford, Nancy M.  
Gagnon, Gabrielle V.  
Hall, Betty B.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lown, Elizabeth D.  
Mason, Howard F.  
McNerney, Daniel P.  
Nardi, Theodora P.  
Perham, Lester R.  
Reidy, Frank J.  
Soucy, Donna M.  
Tarpley, Nancy L.  
Upton, Barbara A.

**MERRIMACK**

Apple, Lowell D.  
Braiterman, Thea  
Chandler, John P.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Letourneau, George E.  
Soldati, Jennifer G.  
Yeaton, Charles B.

Asplund, Bronwyn L.  
Carter, Susan D.  
Dunn, Miriam D.  
Gross, Caroline L.  
Jelley, Francis D.  
Lockwood, Robert A.  
Weeks, John F., Jr.

Barberia, Richard A.  
Chandler, Earle W.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Johnson, C. William  
Nichols, Avis B.  
Whittemore, James A.

**ROCKINGHAM**

Barnes, John S., Jr.  
Brown, Jeffrey M.  
Christie, Andrew Jr.  
Conroy, Janet M.  
Flanagan, Natalie S.

Bell, Juanita L.  
Campbell, Marilyn R.  
Chulaack, Peter G., Sr.  
Falwell, Robert V.  
Flanders, David A.

Benton, Richardson D.  
Caswell, Albert, Jr.  
Connell, David R.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.



Gage, Beverly A.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.  
McGovern, Cynthia A.  
Senter, Marilyn P.  
Terninko, Margaret B.  
Vaughn, Charles L.

Griebsch, Linda  
Klemarczyk, Thaddeus E.  
MacKinnon, Nancy W.  
McCain, William F.  
Packard, Sherman A.  
Skinner, Patricia M.  
Thayer, Leroy C.

Hurst, Sharleene P.  
Klemin, Arthur P., Jr.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Palazzo, Frank J.  
Syracusa, Anthony  
Tufts, Arthur

### STRAFFORD

Foss, Patricia H.  
Hashem, Elaine M.  
McCann, William H., Jr.  
Musler, George T.  
Parks, Joe B.  
Swope, Warren L.  
Wheeler, Katherine W.

Frechette, Roland A.  
Kinney, Paula J.  
Merrill, Amanda A.  
Nehring, William H.  
Pelley, Janet R.  
Torr, Ann M.

Gilmore, Gary R.  
Martling, W. Kent  
Messier, Donald R.  
O'Brien, John  
Spencer, Leo J.  
Wall, Janet G.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Schotanus, Merle W.

Burling, Peter Hoe  
Lindblade, Eric N.  
Tetu, Michael A.

Harland, Jane A.  
Rodeschin, Beverly T.

and the motion lost.

Rep. Hambrick notified the Clerk that she wished to be recorded in opposition to the motion.

Rep. Moore spoke in favor of concurrence.

Rep. Jacobson spoke against and yielded to questions.

Rep. Wadsworth spoke in favor.

Rep. Spencer spoke in favor and yielded to questions.

Rep. Gross spoke in favor.

Concurrence adopted.

### SPECIAL ORDER

Rep. Gross moved that **SB 183-FN**, relative to the Lamprey Regional Solid Waste Cooperative, be made a special order at the end of the calendar.

Adopted.

### SPECIAL ORDERS

**SB 83**, relative to the investment of public funds. **OUGHT TO PASS.**

This bill provides guarantees for local governmental subdivisions investing public funds, by requiring that any person accepting such public funds make available the option to have such funds secured by collateral segregated for the exclusive benefit of such local governmental subdivision and having a value at least equal to the amount of such funds. The bill authorizes the Bank Commissioner to adopt rules pertaining to collateralization and creates an advisory committee to assist the Commissioner with such rules. Vote 14-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Rep. Foss offered a floor amendment.

### Floor Amendment

Amend RSA 35:9 as inserted by section 4 of the bill by replacing it with the following:

35:9 Investment. The moneys in each such fund shall be kept in a separate account and not intermingled with other funds of said municipality. Said capital reserve fund shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company, cooperative bank, building and loan association, or federal savings and loan association, in this state, or in bonds, notes or other obligations of the United States government, or in bonds or notes of this state, and when so invested the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the town, district or county which holds the same as a reserve, and it shall appear upon the books thereof that the same is a capital reserve fund. *Any person who directly or indirectly receives any such capital reserve funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town, school district, village district or county depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.*

Amend RSA 41:29 as inserted by section 5 of the bill by replacing it with the following:

41:29 Duties. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission. He shall deposit all such moneys in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the selectmen, invest the same in obligations of the United States government, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the state of Massachusetts. *Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of*

*such funds. Such collateral shall be segregated for the exclusive benefit of the town. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.*

Rep. Foss spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**SB 67-FN**, relative to establishing a study committee to study the feasibility of revising the school building aid formula. **OUGHT TO PASS.**

This bill establishes a study committee on school building aid to determine how to best deal with revising the School Building Aid Formula. The Committee will consist of three members of the House, three members of the Senate, the State Treasurer or designee, and a member of the public. Vote 16-0. Rep. Susan D. Carter for Education.

Rep. Carter yielded to questions.

Adopted.

Ordered to third reading.

**SB 138-FN**, establishing a committee to study the bidding process on state construction projects. **INEXPEDIENT TO LEGISLATE.**

This bill would adversely affect the ability of New Hampshire contractors to compete for in-state contracts. The bill is unfair in singling out the construction trades and excluding all other state vendors. The Department of Transportation estimates the bill would add almost 8 million dollars to construction projects annually. Vote 11-2. Rep. David K. Wheeler for Public Works.

Rep. William McCann moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

**(Rep. Gross in the Chair)**

Rep. David Wheeler spoke against.

Rep. Gene Chandler spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being on the substitute motion.

**YEAS 75**

**NAYS 227**

**YEAS 75**

**BELKNAP**

Joscelyn, William W.

Maviglio, Steven R.

Salatiello, Thomas B.

**CARROLL**

None

**CHESHIRE**

Champagne, Richard L.

DePecol, Benjamin J.

Foster, Katherine D.

Hogan, James B.

Kingsbury, H. Thayer

Lynch, Margaret A.

Spear, Susan S.

**COOS**

Buckley, C. Fitzgerald

Theriault, Romeo J.

**GRAFTON**

Arnesen, Deborah L.

Chambers, Mary P.

Copenhaver, Marion L.

Guest, Robert H.

LaMott, Paul I.

Nordgren, Sharon L.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Bourque, Ann J.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Janas, Gregory  
Larochelle, Roger B.  
Martin, Mary Ellen  
O'Rourke, Joanne A.  
Turgeon, Roland M.

Baker, George H., Sr.  
Buckley, Raymond  
Gagnon, Gabrielle V.  
Hall, Betty B.  
Johnson, Lionel W.  
Laughlin, J. Francis  
Mason, Howard F.  
Reidy, Frank J.  
White, John M.

Baldizar, Barbara J.  
Cote, David E.  
Gosselin, Gerald O.  
Healy, Daniel J.  
King, Frank P.  
Leclerc, Charles J.  
Nardi, Theodora P.  
Soucy, Donna M.

**MERRIMACK**

Braiterman, Thea  
Jelley, Francis D.  
Soldati, Jennifer G.

Dunn, Miriam D.  
Letourneau, George E.  
Wallner, Mary Jane

Hall, Douglas E.  
Smith, Gerald R.  
Yeaton, Charles B.

**ROCKINGHAM**

Bell, Juanita L.  
Griebisch, Linda  
Syracusa, Anthony

Caswell, Albert, Jr.  
McGovern, Cynthia A.  
Terninko, Margaret B.

Dowling, Patricia A.  
Pantelakos, Laura C.  
Vaughn, Charles L.

**STRAFFORD**

Hashem, Elaine M.  
Merrill, Amanda A.  
Pelley, Janet R.  
Wheeler, Katherine W.

Jankowski, Peter M.  
Messier, Donald R.  
Spencer, Leo J.

McCann, William H., Jr.  
O'Brien, John  
Wall, Janet G.

**SULLIVAN**

Allison, David C.

Burling, Peter Hoe

Tetu, Michael A.

**NAYS 227****BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Johnson, Carl R.  
Shibley, Arnold P.

Bartlett, Gordon E.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Cain, Thomas G.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Ziegra, Alice S.

**CARROLL**

Bradley, Jeb E.  
Dickinson, Howard C.  
Saunders, Howard N.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Wigin, Allen R.

Daly, Robert J., Jr.  
Jean, Robert R.  
Wigin, Gordon E.

**CHESHIRE**

Clark, Eugene W.  
Feuer, Joseph N.  
Kennison, Wayne A.  
Perry, David M.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hunt, John B.  
Pearson, Gertrude B.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Pratt, Leighton C.



**GRAFTON**

|                         |                        |                      |
|-------------------------|------------------------|----------------------|
| Adams, Carl S.          | Bean, Pamela B.        | Brown, Channing T.   |
| Brown, Patricia B.      | Christy, C. Dana       | Driscoll, William J. |
| Hill, Richard L.        | Larson, Nils H., Jr.   | Lougee, Richard W.   |
| McIlwaine, Deborah P.   | Nielsen, Niels F., Jr. | Scanlan, David M.    |
| Stewart, Roger D.       | Teschner, Douglass P.  | Wadsworth, Karen O.  |
| Whitcomb, Henry F., Jr. |                        |                      |

**HILLSBOROUGH**

|                         |                          |                         |
|-------------------------|--------------------------|-------------------------|
| Ackerman, Philip M.     | Alukonis, David J.       | Amidon, Eleanor H.      |
| Andrews, Frederick B.   | Arnold, Barbara E.       | Bowers, Dorothy C.      |
| Calawa, Leon, Jr.       | Chasse, Richard D.       | Cook, Valerie S.        |
| Cowenhoven, Garret P.   | Daigle, Robert A.        | Daniels, Gary L.        |
| Desrochers, Gerard T.   | Desrosiers, William J.   | Dodge, Emma M.          |
| Domaingue, Jacquelyn M. | Donovan, Francis X.      | Drabinowicz, A. Theresa |
| Drolet, Paul L.         | Durham, Susan B.         | Dyer, Merton S.         |
| Elliott, Larry G.       | Fenton, James J.         | Ferguson, Charles       |
| Ferlan, Arthur P.       | Ford, Nancy M.           | Gagnon, Eugene L.       |
| Goulet, Maurice E.      | Greenglass, Alan B.      | Hanselman, Gregory L.   |
| Healy, Walter F.        | Holden, Carol H.         | Hultgren, David D.      |
| Jasper, Shawn N.        | Kelley, Dana F.          | Kelley, Robert N.       |
| Kurk, Neal M.           | L'Heureux, Robert J.     | Lachut, Ervin R.        |
| Lawrence, Eva M.        | Lawrence, Norman B.      | Lefebvre, Roland J.     |
| Lown, Elizabeth D.      | Lozeau, Donnalee M.      | McCann, Bonnie Lou      |
| McDowell, James E.      | McNerney, Daniel P.      | McRae, Karen K.         |
| Mercer, Robert S.       | Messier, Irene M.        | Moore, Elizabeth A.     |
| Murphy, Robert E.       | Ouellette, Robert O.     | Packard, Bonnie B.      |
| Paquette, Rodolphe G.   | Pepino, Leo P.           | Perham, Lester R.       |
| Peters, Stanley W.      | Record, Alice B.         | Rheault, Lillian I.     |
| Riley, Frances L.       | Robinson, Ellen-Ann      | Rothhaus, Finlay C.     |
| Sallada, Roland A.      | Searles, Stanley N., Sr. | Steiner, Lee Anne       |
| Stiles, Walter A.       | Tarpley, Nancy L.        | Tate, Joan C.           |
| Upton, Barbara A.       | Wheeler, David K.        | Wright, George W.       |

**MERRIMACK**

|                     |                     |                       |
|---------------------|---------------------|-----------------------|
| Apple, Lowell D.    | Asplund, Bronwyn L. | Barberia, Richard A.  |
| Boucher, Laurent J. | Carter, Susan D.    | Chandler, Earle W.    |
| Chandler, John P.   | Christie, Thomas J. | Daneault, Gabriel J.  |
| Fair, Patricia A.   | Fillion, Paul R.    | Gilbreth, Robert M.   |
| Hager, Elizabeth S. | Jacobson, Alf E.    | Johnson, C. William   |
| Kidder, William F.  | Lockwood, Robert A. | Millard, Elizabeth S. |
| Nichols, Avis B.    | Stapleton, Henry F. | Stio, Peter M.        |
| Teague, Bert        | Weeks, John F., Jr. | Whittemore, James A.  |

**ROCKINGHAM**

|                        |                       |                        |
|------------------------|-----------------------|------------------------|
| Barnes, John S., Jr.   | Benton, Richardson D. | Boucher, William P.    |
| Brown, Jeffrey M.      | Campbell, Marilyn R.  | Christie, Andrew, Jr.  |
| Chulack, Peter G., Sr. | Connell, David R.     | Conroy, Janet M.       |
| Cooke, Annette M.      | Cote, Patricia L.     | Dowd, Sandra K.        |
| Dube, LeRoy S.         | Falwell, Robert V.    | Felch, Charles H., Sr. |
| Flanagan, Natalie S.   | Flanders, David A.    | Flanders, Harry E.     |

Ford, Bert H.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Packard, Sherman A.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Sytek, John J.

Gage, Beverly A.  
 Hurst, Sharleene P.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McCarthy, John J., Jr.  
 Palazzo, Frank J.  
 Senter, Merilyn P.  
 Smith, Arthur W.  
 Welch, David A.

Greene, Elizabeth A.  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Woods, Deborah L.

#### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Frechette, Roland A.  
 Martling, W. Kent  
 Parks, Joe B.  
 Torr, Ann M.  
 Young, John B.

Bernard, Mary E.  
 Flynn, Edward J.  
 Kinney, Paula J.  
 Musler, George T.  
 Sullivan, Henry P.  
 Tsiros, William

Brown, Julie M.  
 Foss, Patricia H.  
 Marston, Robert E.  
 Nehring, William H.  
 Swope, Warren L.  
 Vincent, Francis C.

#### SULLIVAN

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Schotanus, Merle W.  
 and the motion lost.

Flint, Gordon B.  
 Middleton, John A.

Krueger, Richard H.  
 Peyron, Fredrik

Rep. Hambrick notified the Clerk that she wished to be recorded in favor of the motion.

Report adopted.

**SB 223**, relative to prohibiting the study committee established under 1989, 281:1 from considering whether to move or relocate the Dover toll plaza. **OUGHT TO PASS WITH AMENDMENT.**

The Committee feels that the original study established in 1989, 281:1 should continue and be completed. The amendment removes the charge of the study to recommend locations that maximize revenues. It also deletes from the Senate version the charge of the study, to not study the relocation of the Dover Toll Plaza. The study is 89 percent complete and in order to present a fair report all facets of the original study area should be explored and made public. Vote 12-1. Rep. Gene G. Chandler for Public Works.

#### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
 relative to modifying the duties of the study  
 committee established under 1989, 281:1  
 to include consideration of the  
 location of toll plazas.

Amend 1989, 281:1 as inserted by section 1 of the bill by replacing it with the following:

281:1 Appropriation; Study. The sum of \$630,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1991, for an environmental study and the development of preliminary design plans for the section of the

Spaulding turnpike from the Dover toll plaza southerly to the future Gosling Road interchange in Newington and Portsmouth. This study shall include the redesign of exit 6, widening of the Little Bay bridge, provision for a full service interchange in Newington, rehabilitation of the General Sullivan bridge, and the determination *and location* of one-way or 2-way toll plazas [in a location to maximize revenues]. This appropriation shall be nonlapsing and is in addition to any other appropriation to the department of transportation for the biennium. The appropriation shall be a charge against the turnpike fund.

#### AMENDED ANALYSIS

This bill modifies the duties of the study committee established under 1989, 281:1 to include consideration of the location of one-way or 2-way toll plazas.

Rep. Katherine Wheeler spoke against and yielded to questions.

Reps. Pantelakos and Corte spoke against.

Rep. Oliver spoke in favor.

Reps. Amanda Merrill and McGovern spoke against and yielded to questions.

Rep. William McCann spoke against.

Rep. Gene Chandler spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being on the adoption of the amendment.

#### YEAS 170

#### NAYS 137

#### YEAS 170 BELKNAP

Accornero, Harry  
Golden, Paul A.  
Johnson, Carl R.  
Salatiello, Thomas B.

Cain, Thomas G.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Zaharchuk, Peter J., Jr.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rosen, Ralph J.

#### CARROLL

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Wiggin, Gordon E.

Daly, Robert J., Jr.  
Jean, Robert R.

Dickinson, Howard C.  
Saunders, Howard N.

#### CHESHIRE

Clark, Eugene W.  
Feuer, Joseph N.  
Hunt, John B.  
Sawyer, Alfred P.

Cole, Stacey W.  
Grodin, Richard A.  
Pearson, Gertrude B.

Crutchley, Donald O.  
Hogan, James B.  
Perry, David M.

#### COOS

Brungot, Catherine V.  
Horton, Lynn C.  
Nelson, Harold D.  
Therault, Romeo J.

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Oliver, Terry D.

Guay, Lawrence J.  
Marsh, Beaton  
Pratt, Leighton C.

#### GRAFTON

Adams, Carl S.  
Brown, Patricia B.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Wadsworth, Karen O.

Bean, Pamela B.  
Christy, C. Dana  
Lougee, Richard W.  
Stewart, Roger D.  
Ward, Kathleen W.

Brown, Channing T.  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Arnold, Barbara E.  
 Cowenhoven, Garret P.  
 Dodge, Emma M.  
 Dyer, Merton S.  
 Ford, Nancy M.  
 Greenglass, Alan B.  
 Hultgren, David D.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Rothhaus, Finlay C.  
 Tarpley, Nancy L.  
 Wheeler, David K.

Alukonis, David J.  
 Bowers, Dorothy C.  
 Daniels, Gary L.  
 Domaingue, Jacquelyn M.  
 Ferguson, Charles  
 Gagnon, Eugene L.  
 Healy, Daniel J.  
 Jasper, Shawn N.  
 Kurk, Neal M.  
 Lawrence, Eva M.  
 Lozeau, Donnalee M.  
 McDowell, James E.  
 Messier, Irene M.  
 Perham, Lester R.  
 Rheault, Lillian I.  
 Sallada, Roland A.  
 Tate, Joan C.

Amidon, Eleanor H.  
 Calawa, Leon, Jr.  
 Desrosiers, William J.  
 Durham, Susan B.  
 Fields, Dennis H.  
 Goulet, Maurice E.  
 Holden, Carol H.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lawrence, Norman B.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Moore, Elizabeth A.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Searles, Stanley N., Sr.  
 Upton, Barbara A.

**MERRIMACK**

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Hager, Elizabeth S.  
 Jacobson, Alf E.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Whittemore, James A.

Boucher, Laurent J.  
 Chandler, John P.  
 Hall, Douglas E.  
 Johnson, C. William  
 Millard, Elizabeth S.  
 Stio, Peter M.

Carter, Susan D.  
 Fillion, Paul R.  
 Hayes, Robert C.  
 Kidder, William F.  
 Nichols, Avis B.  
 Weeks, John F., Jr.

**ROCKINGHAM**

Benton, Richardson D.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 Felch, Charles H., Sr.  
 Gage, Beverly A.  
 Johnson, Robert A.  
 MacKinnon, Nancy W.  
 McKinney, Betsy  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Welch, David A.

Boucher, William P.  
 Chulack, Peter G., Sr.  
 Cote, Patricia L.  
 Flanagan, Natalie S.  
 Greene, Elizabeth A.  
 Katsakiores, George N.  
 Malcolm, Kenneth W.  
 Raynowska, Bernard J.  
 Simon, Peter M.  
 Sytek, John J.

Campbell, Marilyn R.  
 Connell, David R.  
 Dowd, Sandra K.  
 Flanders, John W., Sr.  
 Hoar, John, Jr.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 Rosencrantz, James R.  
 Skinner, Patricia M.  
 Tufts, Arthur

**STRAFFORD**

Appleby, James E.  
 Musler, George T.  
 Sullivan, Henry P.

Brown, Julie M.  
 Nehring, William H.  
 Swope, Warren L.

Frechette, Roland A.  
 Parks, Joe B.

**SULLIVAN**

Behrens, Thomas A.  
 Middleton, John A.  
 Schotanus, Merle W.

Flint, Gordon B.  
 Peyron, Fredrik

Krueger, Richard H.  
 Rodeschin, Beverly T.



### NAYS 137 BELKNAP

Bartlett, Gordon E.  
Turner, Robert H.

Maviglio, Steven R.  
Ziegler, Alice S.

Shibley, Arnold P.

### CARROLL

Wiggin, Allen R.

### CHESHIRE

Burnham, Daniel M.  
Doucette, Richard F.  
Laurent, John J.

Champagne, Richard L.  
Kennison, Wayne A.  
Lynch, Margaret A.

DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Spear, Susan S.

### COOS

Coulombe, Henry W.

Hawkinson, Marie C.

Mayhew, Josephine

### GRAFTON

Arnesen, Deborah L.  
Dow, David  
McIlwaine, Deborah P.

Chambers, Mary P.  
Guest, Robert H.  
Nordgren, Sharon L.

Copenhaver, Marion L.  
LaMott, Paul I.

### HILLSBOROUGH

Ackerman, Philip M.  
Baldizar, Barbara J.  
Chasse, Richard D.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Gagnon, Gabrielle V.  
Hall, Betty B.  
Janas, Gregory  
Larochelle, Roger B.  
Lefebvre, Roland J.  
Murphy, Robert E.  
Ouellette, Robert O.  
Reidy, Frank J.  
Turgeon, Roland M.

Andrews, Frederick B.  
Bourque, Ann J.  
Cook, Valerie S.  
Desrochers, Gerard T.  
Drolet, Paul L.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Johnson, Lionel W.  
Laughlin, J. Francis  
Martin, Mary Ellen  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Soucy, Donna M.  
White, John M.

Baker, George H., Sr.  
Buckley, Raymond  
Cote, David E.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
King, Frank P.  
Leclerc, Charles J.  
McRae, Karen K.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Stiles, Walter A.  
Wright, George W.

### MERRIMACK

Apple, Lowell D.  
Christie, Thomas J.  
Fair, Patricia A.  
Letourneau, George E.  
Wallner, Mary Jane

Barberia, Richard A.  
Daneault, Gabriel J.  
Gilbreth, Robert M.  
Soldati, Jennifer G.  
Yeaton, Charles B.

Braiterman, Thea  
Dunn, Miriam D.  
Jelley, Francis D.  
Teague, Bert

### ROCKINGHAM

Barnes, John S., Jr.  
Caswell, Albert, Jr.  
Falwell, Robert V.  
Griebsch, Linda  
Klemarczyk, Thaddeus E.

Bell, Juanita L.  
Dowling, Patricia A.  
Flanders, David A.  
Hoelzel, Kathleen M.  
Lovejoy, Virginia K.

Brown, Jeffrey M.  
Dube, LeRoy S.  
Ford, Bert H.  
Hurst, Sharleene P.  
Magoon, Harold F.

McCarthy, John J., Jr.  
Palazzo, Frank J.  
Syracusa, Anthony  
Vaughn, Charles L.

McGovern, Cynthia A.  
Pantelakos, Laura C.  
Terninko, Margaret B.

Packard, Sherman A.  
Schanda, Joseph, Sr.  
Thayer, Leroy C.

### STRAFFORD

Bernard, Mary E.  
Foss, Patricia H.  
Jankowski, Peter M.  
Marling, W. Kent  
Messier, Donald R.  
Spencer, Leo J.  
Vincent, Francis C.  
Young, John B.

Corte, Arthur B.  
Gilmore, Gary R.  
Kinney, Paula J.  
McCann, William H., Jr.  
O'Brien, John  
Torr, Ann M.  
Wall, Janet G.

Flynn, Edward J.  
Hashem, Elaine M.  
Marston, Robert E.  
Merrill, Amanda A.  
Pelley, Janet R.  
Tsiros, William  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Lindblade, Eric N.

Burling, Peter Hoe  
Tetu, Michael A.

Harland, Jane A.

and the amendment was adopted.

Rep. Donna Sytek notified the Clerk that she wished to be recorded in favor of the amendment.

Rep. Hambrick notified the Clerk that she wished to be recorded in opposition to the motion.

Report adopted.

Ordered to third reading.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 27-FN**, relative to extended terms of imprisonment for assault crimes where the victim is a law enforcement officer. **RE-REFER TO COMMITTEE**.

This bill has followed a rocky path through House Judiciary. It came to the Committee as a one-sided "enhanced penalty" provision, which would have applied in cases of assault on a police officer. An amendment was prepared which attempted to provide for a balance of penalties, and which also allowed peace officers to sue for damages caused by assaults upon them. This led the Committee into a heated debate, and into the consideration of other new ideas, all of which led the Committee to believe that further work on this issue is required. Vote 15-2. Rep. Peter Hoe Burling for Judiciary.

Adopted.

### RECESS

#### ENROLLED BILLS REPORT

**HB 113**, relative to weighted voting in school administrative unit affairs.

**HB 169-FN**, relative to the disposition of revenues collected under the land use change tax.

**HB 208-FN**, relative to annulments of criminal records.

**HB 209-FN**, relative to conflicts between the municipal budget law and collective bargaining negotiations.

**HB 244-FN**, establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory damages.

**HB 428-FN**, relative to the enforcement and administration of state taxes by the department of revenue administration.

**HB 445-FN**, defining "compact parts" of towns and cities with regard to criminal charges for unauthorized use of firearms and firecrackers.

**HB 514-FN**, relative to special town meetings.

**SB 49**, relative to alternate zoning board of adjustment members.

**SB 96**, relative to adoption.

**SB 146**, relative to equipment and instruction programs for revolving funds for regional vocational centers.

**SB 174-FN**, relative to possessing and dispensing prescription drugs by nonprofit family planning agencies.

**SB 209-FN**, relative to issuance of a notice or citation by the probate court to a court-appointed fiduciary for failure to file an inventory or an account of administration and to requirements for notice to beneficiaries.

Rep. Marsh for the Committee

### SENATE MESSAGES

#### ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 131-FN**, relative to liability for acts which create situations requiring unnecessary emergency responses.

The President appointed Sens. Podles, Russman and Hollingworth.

**HB 203-FN**, relative to the confidentiality of quality assurance records of community mental health centers.

The President appointed Sens. J. King, Dupont and Russman.

**HB 307-FN**, establishing a committee to review New Hampshire's bankruptcy laws.

The President appointed Sens. Podles, W. King and Russman.

**HB 325-FN**, relative to reciprocity of dog training.

The President appointed Sens. Heath, Cohen and Bass.

**HB 330-FN**, establishing a committee to study an office of ombudsman at the division for children and youth services.

The President appointed Sens. J. King, Fraser and Podles.

**HB 352-FN**, relative to the oil discharge and disposal cleanup fund.

The President appointed Sens. W. King, Fraser and Heath.

**HB 363-FN**, relative to criminal record checks and fees charged for criminal record checks.

The President appointed Sens. Podles, Hollingworth and Russman.

**HB 461-FN**, relative to notice for out of district placement by the court.

The President appointed Sens. Podles, Disnard and Hough.

**HB 486-FN**, relative to collection of forfeitures of recognizances by the division of motor vehicles.

The President appointed Sens. Oleson, Russman and Heath.

**HB 572**, relative to exclusions in automobile insurance.

The President appointed Sens. Delahunty, Bass and Hollingworth.

**HB 688**, relative to the Mount Washington Regional and the Berlin Municipal Airports.

The President appointed Sens. Oleson, Dupont and Cohen.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 54-FN**, relative to the laws regarding children in need of services. (Amendment printed SJ 25, 5/15/91)

Rep. William McCain moved that the House concur.

Adopted.

#### NONCONCURRENCE

**HB 658-FN**, relative to uninsured or hit-and-run motor vehicle coverage.

**HB 661-FN**, allowing annulments of criminal records of persons who served a term of imprisonment.

**HB 701-FN**, relative to protecting personal privacy.

#### CONCURRENCE

**HB 173-FN**, establishing a committee to study certain provisions of RSA 154 relative to powers and duties of firewards.

**HB 184-FN**, relative to civil penalties for securities violations.

**HB 205**, restricting the method of taking freshwater smelt.

**HB 289-FN**, relative to regulating commercial salt water fishing.

**HB 348**, relative to the municipal records board.

**HB 386**, relative to a representative town meeting form of government.

**HB 485**, relative to living wills.

**HB 559-FN**, relative to commercial and recreational fisheries.

**HB 608-FN**, relative to the law enforcement authority of forest rangers and officials of the division of forests and lands.

**HB 653**, relative to defense and indemnification of state officers and employees.

#### CONCURRENCE WITH AMENDMENTS

**SB 7-FN-A**, relative to an industrial research center at the university of New Hampshire.

**SB 19-FN**, establishing penalties and fines for use of blue lights by any person other than a law enforcement officer.

**SB 47**, relative to emergency response personnel.

**SB 57-FN**, relative to the review of New Hampshire corporate laws.

**SB 61-FN**, relative to speedy payments for the care of children in foster homes.

**SB 118-FN**, relative to the department of revenue administration.

**SB 125-FN**, relative to child abuse and neglect proceedings.

**SB 140-FN**, establishing a committee to study rate setting for certain services, placements, and programs.

**SB 149-FN-A**, relative to reimbursing a certain school cooperative for certain expenses and making an appropriation therefor.

**SB 150**, relative to partnerships and relative to foreclosures.

**SB 165-FN**, relative to permit fees for excavating and dredging permits.

**SB 185-FN**, allowing caterers to subcontract the cooking, preparing, and serving of food.

**SB 189-FN**, allowing raffles to be conducted at the same place as bingo games.

**SB 206-FN**, relative to liquor licenses for caterers.



**REGULAR CALENDAR**

**SB 55-A**, relative to replacing the Warren Bridge on New Hampshire Route 25. **OUGHT TO PASS WITH AMENDMENT.**

This bill adds the Warren Bridge to the 10-year plan, and the amendment extends the deadline on the East/West Study authorized in 1986, 203:8-a, to March 31, 1992. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

**Amendment**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Deadline. Amend 1986, 203:8-a, as inserted by 1988, 266:2, as amended by 1990, 244:3 to read as follows:

203:8-a Deadline. The department of transportation shall complete the study authorized by 1986, 203:8 by [September 30, 1991] **March 31, 1992.**

**AMENDED ANALYSIS**

This bill directs the department of transportation to replace the Warren Bridge on New Hampshire Route 25.

This bill also extends the deadline for the department of transportation's study for a 4-lane east-west highway from Concord to the Spaulding turnpike.

Adopted.

Report adopted.

Ordered to third reading.

**SB 170-FN-A**, to study the revenue structure in New Hampshire and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The amendment does two things: first; it insures that one element of the revenue structure study will deal with shifting intergeneration tax burdens as a result of the aging of our population, and second, it provides for up to a \$10,000 state contribution from the legislative contingency account, which is expected to be matched by the New Hampshire Charitable Fund. The rest of the cost of the study, now estimated to be \$50,000 will be donated by private sector groups. Vote 15-3. Rep. Neal M. Kurk for Appropriations.

**Amendment**

Amend paragraph I of section 1 of the bill by inserting after subparagraph (f) the following new subparagraph:

(g) The demographic makeup of our state is changing. The elderly are becoming an increasingly larger proportion of the population and children, who will become the working members of the population in the coming decades, are becoming a much smaller proportion of the total population.

Amend paragraph V of section 3 of the bill by replacing it with the following:

V. State and local spending needs, economic and demographic trends, including the aging of our population and the economic and revenue consequences of shifting intergenerational tax burdens, and the role of the public sector in New Hampshire.

Amend the bill by replacing section 5 with the following:

5 Appropriation. A sum not to exceed \$10,000 is hereby appropriated for the fiscal year ending June 30, 1991, from the general court, house contingency, PAU 01, 02, 01, 02, class line 96. This sum shall be appropriated for the purposes of sections 1-4 of this act. The committee is authorized to accept any private contributions which are

received for the purpose of conducting the study, and any such contributions which are received shall be in addition to the sum appropriated in this section.

#### AMENDED ANALYSIS

This bill authorizes a study of the spending and revenue structure in New Hampshire. The study is to be conducted by an independent organization which is chosen by the chairpersons of the house and the senate ways and means committees. The house and the senate ways and means committees shall oversee the study. The independent organization is given a specific list of topics to consider as part of its study.

The independent organization shall study the state's spending and revenue structure at all levels of government and the fiscal relationship between the state and its subdivisions.

The independent organization shall report its findings to the senate and house ways and means committees for transmission to the governor, the speaker of the house, and the president of the senate no later than November 1, 1991.

The bill appropriates a sum not to exceed \$10,000 for the purposes of the study from the general court house contingency PAU. Any private contributions which the committee receives shall be in addition to this appropriation.

Adopted.

Report adopted.

Ordered to third reading.

**SB 192-FN-A**, relative to the office of chief medical examiner. RE-REFER TO EXECUTIVE DEPARTMENTS AND ADMINISTRATION.

There appear to be many questions and because no one appeared at the hearing to provide informed answers, the Committee voted to re-refer the bill to the Committee on Executive Departments and Administration. Vote 16-0. Rep. Robert G. Holbrook for Appropriations.

Re-referred to Committee.

**SB 42-FN**, relative to the board of podiatry. OUGHT TO PASS WITH AMENDMENT.

This bill extends the rulemaking authority of the Board of Podiatry. The amendment addresses the Board of Registration in Medicine's renewal of licenses and written complaints. In addition, this legislation allows Emergency Medical Technicians to administer necessary IVs prior to hospitalization. Vote 15-0. Rep. Sandra K. Dowd for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the board of podiatry, the board of registration  
in medicine, emergency medical technicians, and the  
possession of non-controlled prescription  
drugs for emergency use.

Amend RSA 315:2, I as inserted by section 1 of the bill by replacing it with the following:

**I.** Any person admitted to practice podiatry in this state shall be required to pass an examination before the board. [He] *The person* shall be of good professional character and at least 18 years of age. [He] *The person* shall have graduated from a

college of podiatry or podiatry medicine which is accredited by the American Podiatry Association, and maintaining at that time a standard satisfactory to the board. No person who is not licensed as a podiatrist as provided by RSA 315:8 shall practice or attempt to practice podiatry in the state or designate or describe [his] *the person's* occupation by the use of any words or letters to lead others to believe that [he] *the person* is so licensed.

Amend RSA 315:10-a, I as inserted by section 11 of the bill by replacing it with the following:

I. Any complaint not resolved at or prior to a preliminary hearing shall be heard by the board. Such hearing shall be an open public hearing. Any member of the board shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

Amend the bill by replacing all after section 14 with the following:

15 Renewals of Licenses. Amend RSA 329:16-d to read as follows:

329:16-d Notice of Renewal. On or before May [15] *I* of each year, the board shall mail each licensee, except those on the inactive list, an application for renewal of license *which shall be due on June 30 of every year. Any licensee who fails to file his application for renewal by June 30 shall be required to pay double the renewal fee.*

16 Reference Change. Amend RSA 329:16-e to read as follows:

329:16-e Neglect to Renew. Any failure, neglect or refusal on the part of any person licensed by the board to renew his license as provided in RSA 329:16-a shall automatically [suspend] *lapse* his license. Licenses [suspended] *lapsed* under this section shall not be restored except upon payment of a restoration fee as established [by the board] *in RSA 329:16-d*, and a showing of such evidence of professional competence as the board may reasonably require.

17 Written Complaints Added. Amend RSA 329:17, III-a to read as follows:

III-a. The board shall conduct an investigation of any person licensed by the board who has [had] *been the subject of 3 reservable claims, written complaints*, or actions for medical injury, as defined [in a paragraph] *by paragraphs I, II, and III*, [brought against him] *or any combination thereof which pertain to 3 different acts or events* within [a] *any consecutive 5-year period commencing with January 1, 1987.*

18 Administrative Fines. Amend RSA 329:17, VII(f) to read as follows:

(f) By requiring the person to practice under the direction of a physician in a public institution, public or private health care program or private practice for a period of time specified by the board[.]; *or*

*(g) By assessing administrative fines in amounts established by the board under RSA 541-A.*

19 Additional Licensure Category Created. Amend RSA 151-B:13, II to read as follows:

II. The director shall provide application forms for licenses under this section. Subject to the approval of the emergency medical service coordinating board, the director shall make reasonable minimum standards of health, performance fitness, education, and moral fitness. He may use the guides established by the American College of Surgeons' Board of Regents as a standard, except that a felony conviction shall not necessarily disqualify a person from providing emergency medical services as a paid or volunteer member of a public or private ambulance or rescue service.

*There shall be a separate licensure category under this section for persons who are qualified as emergency medical technician intermediates, paramedics, registered nurse emergency medical technicians, and physician assistant emergency medical technicians.*

20 New Paragraph: Possession of Non-Controlled Prescription Drugs for Emergency Use Only. Amend RSA 318:42 by inserting after paragraph IX the following new paragraph:

X. The possession, for emergency use only, by advanced medical care providers licensed under RSA 151-B of such non-controlled prescription drugs as are agreed upon jointly by the state board of registration in medicine and the pharmacy board. The advanced emergency medical care providers may only administer such prescription drugs upon receipt, either directly or by telephone or by radio or by other communication medium, of directions from their supervising physician.

21 Effective Date. This act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill, relative to the board of podiatry:

(a) Extends the rulemaking authority of the board to provide for the imposition of administrative fines and to permit regulation of any other matters related to the chapter.

(b) Delineates the board's responsibilities relative to recordkeeping and reporting to the governor and council.

(c) Specifies the scope of podiatric practice to preclude the performance of amputations or the administration of a general anesthesia.

(d) Specifies the types of podiatric conduct which could result in disciplinary action by the board.

(e) Sets forth licensing procedures and requirements for initial and renewal licenses and for failure to renew.

(f) Requires insurers providing professional liability insurance to file reports with the board relative to claims against insured licensees.

(g) Sets forth the procedures for hearings and investigations.

(h) Provides for a temporary 120-day license suspension pending a hearing where a threat to public safety is posed.

(i) Repeals several subparagraphs relating to disciplinary actions.

This bill, relative to the board of registration in medicine:

(a) Authorizes the board to establish fines for administrative and disciplinary actions.

(b) Doubles the renewal license fee for a licensee who fails to renew his license on time.

(c) Adds receipt by the board of 3 written complaints as a reason for the board to investigate any licensee.

(d) Makes certain technical changes in the law relative to the board of registration in medicine.

The bill also provides for a separate licensure category relative to emergency medical services for persons qualified as emergency medical technicians or in related fields.

The bill exempts the possession for emergency use only of non-controlled prescription drugs by advanced medical care providers from prosecution for unlawful possession.



Adopted.

Report adopted.

Ordered to third reading.

**SB 110-FN**, relative to protection of first amendment rights of students. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

**MAJORITY:** The Committee heard eloquent testimony from the editor of the Manchester Central student newspaper which was closed down by the principal for a month in 1989 for printing an editorial criticizing a student advisor. While the Committee majority strongly questioned the wisdom of the shutdown, it was felt that the Legislature's role is not to direct local school boards or school administrators in what should be their local jurisdiction. Vote 11-8. Rep. Elizabeth D. Lown for the Majority of Judiciary.

**MINORITY:** The minority believes that this bill will restore full First Amendment protection to students in the context of school publications which were seriously impaired by a 5-4 majority of the United States Supreme Court.

The minority further believes that the bill adequately protects the legitimate authority of school boards to oversee the contents of school publications which are : (1) obscene, or (2) libelous or slanderous; (3) substantially or materially disruptive of school discipline, or (4) invasive of the privacy rights of private individuals.

The minority believes that young adults, exemplified by the representatives of the school newspapers who appeared at the hearing, cannot be taught the First Amendment's crucial value in our democracy, if they are denied its protection. We cannot teach students to be responsible by denying them responsibility. Reps. Peter Hoe Burling, Alf E. Jacobson, David E. Cote, Donnalee M. Lozeau, Nancy M. Ford, C. William Johnson and Niels F. Nielsen for the Minority of Judiciary.

Rep. Burling moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Richard Campbell spoke against and yielded to questions.

Rep. Scott Green spoke against.

Rep. Nielsen spoke in favor.

Rep. Daniel Healey spoke against.

Rep. Robinson spoke against and yielded to questions.

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Lockwood spoke against and yielded to questions.

On a division vote, 99 members have voted in the affirmative and 230 in the negative, the motion failed.

Rep. Vaughn notified the Clerk that he inadvertently voted nay and meant to vote yea.

Report adopted.

### (Speaker Burns in the Chair)

#### **SPECIAL ORDER**

**SB 183-FN**, relative to the Lamprey Regional Solid Waste Cooperative. **REFER TO COMMITTEE.**

The Committee is sympathetic to the problem which the Lamprey District has with regard to the future of the district and also is concerned about the ramifications of

RSA 53-A and RSA 53-B and recommends re-referral. Vote 13-0. Rep. Betty B. Hall for Environment and Agriculture.

Rep. Scanlan moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Re-refer to Committee and spoke in favor.

Adopted.

Rep. Scanlan offered a floor amendment.

### Floor Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Funding and Bond Authorization; Lamprey Regional Solid Waste Cooperative. Amend 1989, 2:1 and 2:2 to read as follows:

2:1 Authorization; Lamprey Cooperative. The Lamprey regional solid waste cooperative as legalized by 1979, 8:1, is authorized to borrow funds up to [\$1,800,000] **\$2,500,000** for the purpose of the construction of a solid waste landfill. The facility shall be built in Somersworth on land owned by the city of Somersworth.

2:2 Bond Authorization.

I. The Lamprey regional solid waste cooperative is authorized to issue municipal bonds in the amount not to exceed \$1,800,000 for the purposes of this act and to refund its outstanding notes. The term of such bonds shall not exceed 5 years. The bonds shall be payable from the revenues of such solid waste landfill. Such bonds may be authorized by vote of the joint board of the cooperative without a vote of the members of the cooperative.

II. The Lamprey regional solid waste cooperative is authorized to issue municipal bonds for an additional amount not to exceed \$700,000 for the purposes of this act and to refund its outstanding notes. The terms of such bonds shall not exceed 5 years. The bonds shall be payable from the revenues of such solid waste landfill. Such bonds shall be authorized by vote of the legislative body of the municipality.

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill increases the bonding authorization amount of the Lamprey regional solid waste district.

The bill also allows authorization of such bonds by a vote of the legislative body of the municipality.

Adopted.

Ordered to third reading.

### SUSPENSION OF RULES

Reps. Gross and Chambers moved that the Rules be so far suspended as to permit consideration at the present time of:

**SB 10-FN**, establishing a study committee on bonuses for veterans who served during the Persian Gulf crisis.

**SB 157-FN**, relative to bingo.

**SB 191-FN**, relative to fines and to loss of driver's license and plates for court defaults.

**HB 785-FN**, relative to the state's purchase and renovation of land and buildings in the capitol area government center and making an appropriation therefor.

**SB 208-FN**, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents.

Adopted by the necessary two-thirds.

**SB 10-FN**, relative to a study committee on bonuses for veterans who served during the Persian Gulf crisis. **OUGHT TO PASS.**

It is fitting and appropriate that consideration be given, through the medium of a "Committee to Study," of the possibility of the payment of a bonus to those residents of New Hampshire who served in the Armed Forces during the Persian Gulf crisis. The Committee would consider all aspects of a proposed bonus and would render the report, not later than December 1, 1991, to the Governor, President of the Senate and Speaker of the House. Vote 14-0. Rep. Robert J. Daly for Public Protection and Veterans Affairs.

Rep. O'Brien moved that the words Inexpedient to Legislate be substituted for the report of the Committee Ought to Pass and spoke in favor.

Rep. Benton spoke against.

Motion failed.

Rep. Gross offered a floor amendment.

#### **Floor Amendment**

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the payment of bonuses to veterans who served during the Persian Gulf crisis. The committee shall consist of the following members: one senator appointed by the senate president and one house member appointed by the speaker of the house, both of whom shall be veterans; one representative of the governor's office, appointed by the governor; one public member appointed by the governor; the director of the veterans council or designee; and the adjutant general or designee. The committee shall elect a chairman from among its members. The committee shall submit a report on its findings and recommendations, including any recommendations for legislation, to the senate president, the speaker of the house, and the governor on or before November 1, 1991.

Adopted.

Report adopted.

Ordered to third reading.

**SB 157-FN**, relative to bingo. **OUGHT TO PASS.**

The Committee has determined that there is no appropriation needed to carry out this bill. Vote 11-2. Rep. Charles W. Ferguson for Appropriations.

Adopted.

Ordered to third reading.

**SB 191-FN**, relative to fines and to loss of driver's license and plates for court defaults. **OUGHT TO PASS WITH AMENDMENT.**

The amendment deletes the "special fund" established in the bill because it is not needed. It also adds the language from SB 196 that allows the Division of Motor Vehicle to establish an on-line imaging system for drivers' licenses. The rest of the bill is unchanged. Vote 13-1. Rep. Elizabeth S. Hager for Appropriations.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to fines and to loss of driver's license  
and plates for court defaults and increasing  
drivers' license fees.

Amend the bill by replacing all after section 5 with the following:

6 Supplementary Motor Vehicle Fund Eliminated. Amend RSA 261:141, X to read as follows:

X. Whenever a registration has been suspended, a fee of \$25 shall be paid for the restoration of such registration. Such fee shall be in addition to the fee required under RSA 263:42, V. This \$25 shall be placed in [a special fund known as the supplementary motor vehicle fund. Moneys from this fund may be used by the commissioner for personnel or equipment or both as necessary to carry out the provisions of RSA 261:180, subject to the approval of the fiscal committee and the governor and council. All sums in the supplementary motor vehicle fund in excess of \$300,000 as of June 30 of each year shall lapse into] the highway fund.

7 New Section; Default Fee. Amend RSA 597 by inserting after section 38 the following new section:

597:38-a Default Fees.

I. Whenever a party recognized to appear for any offense defaults, the court may impose an administrative processing fee in the amount of \$50 in addition to any other fine or penalty assessment.

II. The administrative processing fee provided for in paragraph I shall be retained by the court.

8 New Subparagraph: Rulemaking. Amend RSA 21-P:14, IV by inserting after subparagraph (n) the following new subparagraph:

(o) Criteria for waiver of the default fee required under RSA 263:56-a, I-a.

9 Purpose of Increase. The purpose of the increase of drivers' license fees contained in section 10 of this act is to provide sufficient funds for the department of safety to establish an on-line imaging system for driver licensing. This system shall enable the department to provide a system for licensing drivers that is more convenient for the public and that ensures greater licensing security. Any image, likeness, or photograph retrieved for the on-line imaging system shall be retained in the records of the department of safety unless an applicant for a driver's license or a renewal of a driver's license who is a resident of New Hampshire requests a waiver from the department of safety, which waiver shall be granted by the commissioner upon application.

10 Drivers' License Fees Increased. Amend RSA 263:42, I to read as follows:

I. For each original driver's license and examination or driver's license renewal, other than for a commercial vehicle - [~~\$30~~] **\$32**; for each original commercial driver license and examination or commercial driver license renewal - [~~\$40~~] **\$42**; for each commercial driver license reexamination in a one year period - \$20; for each commercial vehicle endorsement, renewal of an endorsement or removal of a restriction - \$10. For each original driver's license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. Every license shall expire on the licensee's birthdate in the fourth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

11 Effective Date. This act shall take effect July 1, 1991.



## AMENDED ANALYSIS

This bill provides for license suspension or revocation and forfeiture of motor vehicle registration and license plates for failure to pay certain fees.

The bill also authorizes courts to impose an administrative processing fee in the amount of \$50 against any person who defaults on a court appearance for any offense.

The bill also increases drivers' license fees for the purpose of establishing an on-line imaging system for driver licensing.

The bill eliminates the supplementary motor vehicle fund.

Adopted.

Rep. Hager offered a floor amendment.

**Floor Amendment**

Amend RSA 261:141, X as inserted by section 6 of the bill by replacing it with the following:

X. Whenever a registration has been suspended, a fee of \$25 shall be paid for the restoration of such registration. Such fee shall be in addition to the fee required under RSA 263:42, V. This \$25 shall be placed in [a special fund known as the supplementary motor vehicle fund. Moneys from this fund may be used by the commissioner for personnel or equipment or both as necessary to carry out the provisions of RSA 261:180, subject to the approval of the fiscal committee and the governor and council. All sums in the supplementary motor vehicle fund in excess of \$300,000 as of June 30 of each year shall lapse into] the highway fund. *All moneys remaining in the supplementary motor vehicle fund shall lapse to the highway fund on July 1, 1991.*

Adopted.

Report adopted.

Ordered to third reading.

**HB 785-FN**, relative to the state's purchase and renovation of land and buildings in the capitol area government center and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

After serious discussion as to whether or not it would be fiscally prudent to purchase the New Hampshire Savings Bank which is adjacent to the Legislative Office Building, the Committee found that the purchase would be appropriate. The Committee found that the office space is needed; and, that the real estate market at this time is most favorable. HB 785 also establishes a committee to study the future use of the property. Vote 14-1. Rep. Beaton Marsh for Public Works.

**Amendment**

Amend section 7 of the bill by inserting after paragraph IV the following new paragraph:

V. Study and make recommendations regarding the feasibility of the state of New Hampshire transferring property with a tax value comparable to the property acquired under section 2 of this act to the city of Concord or any private entity.

## AMENDED ANALYSIS

This bill authorizes the department of administrative services to acquire, renovate and rehabilitate land and buildings suitable for general office space in the capitol area government center.

This bill also authorizes the state treasurer to issue bonds and notes for the purposes of this bill.

This bill also establishes a committee to study the future utilization of such property as may be acquired pursuant to this bill, and the feasibility of transferring property of comparable tax value to the city of Concord or any private entity.

Rep. Marsh yielded to questions.

Rep. Nardi spoke against.

Rep. Hayes spoke in favor.

Rep. Maviglio moved that HB 785-FN be Laid on the Table.

Motion lost.

Roll call request sufficiently seconded.

The question being on the adoption of the amendment.

### YEAS 197

### NAYS 119

#### YEAS 197 BELKNAP

Bartlett, Gordon E.  
Hawkins, Robert S.  
Shibley, Arnold P.

Cain, Thomas G.  
Holbrook, Robert G.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Rosen, Ralph J.  
Ziegler, Alice S.

#### CARROLL

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.

Chandler, Gene G.  
Saunders, Howard N.

Dickinson, Howard C.  
Wiggin, Gordon E.

#### CHESHIRE

Champagne, Richard L.  
Feuer, Joseph N.  
Kingsbury, H. Thayer  
Perry, David M.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hunt, John B.  
Pearson, Gertrude B.

#### COOS

Brungot, Catherine V.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Pratt, Leighton C.

Guay, Lawrence J.  
Marsh, Beaton  
Nelson, Harold D.  
Theriault, Romeo J.

#### GRAFTON

Arnesen, Deborah L.  
Brown, Patricia B.  
Hill, Richard L.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.  
Stewart, Roger D.  
Wadsworth, Karen O.  
White, Paul R.

#### HILLSBOROUGH

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Desrochers, Gerard T.  
Durham, Susan B.  
Fenton, James J.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Kelley, Dana F.

Alukonis, David J.  
Arnold, Barbara E.  
Chasse, Richard D.  
Desrosiers, William J.  
Dyer, Merton S.  
Fields, Dennis H.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Kelley, Robert N.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Gagnon, Eugene L.  
Haettenschwiller, Alphonse  
Jasper, Shawn N.  
Kurk, Neal M.

Lawrence, Eva M.  
Mason, Howard F.  
Mercer, Robert S.  
Packard, Bonnie B.  
Pignatelli, Debora B.  
Rheault, Lillian I.  
Sallada, Roland A.  
Steiner, Lee Anne  
Turgeon, Roland M.

Lawrence, Norman B.  
McCann, Bonnie Lou  
Messier, Irene M.  
Perham, Lester R.  
Record, Alice B.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Wheeler, David K.

Lown, Elizabeth D.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Peters, Stanley W.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Tarpley, Nancy L.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Fair, Patricia A.  
Hayes, Robert C.  
Johnson, C. William  
Lockwood, Robert A.  
Smith, Gerald R.  
Wallner, Mary Jane  
Yeaton, Charles B.

Barberia, Richard A.  
Chandler, Earle W.  
Gilbreth, Robert M.  
Jacobson, Alf E.  
Kidder, William F.  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Weeks, John F., Jr.

Boucher, Laurent J.  
Chandler, John P.  
Gross, Caroline L.  
Jelley, Francis D.  
Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.  
Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Cooke, Annette M.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Keith, Brenda E.  
McKinney, Betsy  
Roulston, Donald L.  
Seward, Russell G.  
Syracusa, Anthony  
Thayer, Leroy C.

Benton, Richardson D.  
Connell, David R.  
Cote, Patricia L.  
Flanagan, Natalie S.  
Gage, Beverly A.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
Pantelakos, Laura C.  
Rubin, George R.  
Simon, Peter M.  
Sytek, Donna P.  
Tufts, Arthur

Boucher, William P.  
Conroy, Janet M.  
Dowd, Sandra K.  
Flanders, Harry E.  
Greene, Elizabeth A.  
Katsakiores, George N.  
Magoon, Harold F.  
Raynowska, Bernard J.  
Senter, Marilyn P.  
Skinner, Patricia M.  
Sytek, John J.  
Welch, David A.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Frechette, Roland A.  
Martling, W. Kent  
Sullivan, Henry P.  
Tsiros, William  
Young, John B.

Bernard, Mary E.  
Flynn, Edward J.  
Kinney, Paula J.  
Nehring, William H.  
Swope, Warren L.  
Vincent, Francis C.

Brown, Julie M.  
Foss, Patricia H.  
Marston, Robert E.  
Parks, Joe B.  
Torr, Ann M.  
Wall, Janet G.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Rodeschin, Beverly T.

Domini, Irene C.  
Middleton, John A.  
Schotanus, Merle W.

Flint, Gordon B.  
Peyron, Fredrik

### NAYS 119 BELKNAP

Accornero, Harry  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.

Dewhirst, Glenn E.  
Joscelyn, William W.  
Salatiello, Thomas B.

Golden, Paul A.  
Maviglio, Steven R.

### CARROLL

Daly, Robert J., Jr.

Jean, Robert R.

Wiggin, Allen R.

### CHESHIRE

Burnham, Daniel M.  
DePecol, Benjamin J.  
Hogan, James B.  
Riley, William A.

Clark, Eugene W.  
Doucette, Richard F.  
Kennison, Wayne A.  
Spear, Susan S.

Cole, Kenneth A.  
Foster, Katherine D.  
Lynch, Margaret A.

### COOS

Hawkinson, Marie C.

### GRAFTON

Adams, Carl S.  
Dow, David  
Nielsen, Niels F., Jr.

Chambers, Mary P.  
Guest, Robert H.

Christy, C. Dana  
McIlwaine, Deborah P.

### HILLSBOROUGH

Ackerman, Philip M.  
Barooddy, Benjamin C.  
Cook, Valerie S.  
Daniels, Gary L.  
Donovan, Francis X.  
Elliott, Larry G.  
Ford, Nancy M.  
Green, Scott E.  
Janas, Gregory  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
Murphy, Robert E.  
Ouellette, Robert O.  
Soucy, Donna M.  
Wright, George W.

Baker, George H., Sr.  
Buckley, Raymond  
Cote, David E.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gagnon, Gabrielle V.  
Hall, Betty B.  
Johnson, Lionel W.  
Lachut, Ervin R.  
Leclerc, Charles J.  
McDowell, James E.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Upton, Barbara A.

Baldizar, Barbara J.  
Clemons, Jane A.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Dwyer, Patricia R.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Hultgren, David D.  
King, Frank P.  
Larochelle, Roger B.  
Lefebvre, Roland J.  
McRae, Karen K.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
White, John M.

### MERRIMACK

Christie, Thomas J.  
Hager, Elizabeth S.

Daneault, Gabriel J.  
Letourneau, George E.

Dunn, Miriam D.  
Trombly, Rick A.

### ROCKINGHAM

Bell, Juanita L.  
Dube, LeRoy S.  
Hoelzel, Kathleen M.  
Kane, Cecelia D.  
MacDonald, Joseph A.  
McCarthy, John J., Jr.  
Schanda, Joseph, Sr.  
Vaughn, Charles L.

Chulack, Peter G., Sr.  
Flanders, David A.  
Hurst, Sharleene P.  
Klemarczyk, Thaddeus E.  
MacKinnon, Nancy W.  
McGovern, Cynthia A.  
Smith, Arthur W.

Dowling, Patricia A.  
Ford, Bert H.  
Hutchinson, Karen K.  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.  
Packard, Sherman A.  
Terninko, Margaret B.



**STRAFFORD**

|                         |                    |                     |
|-------------------------|--------------------|---------------------|
| Gilmore, Gary R.        | Hashem, Elaine M.  | Jankowski, Peter M. |
| McCann, William H., Jr. | Merrill, Amanda A. | O'Brien, John       |
| Pageotte, Donald P.     | Pelley, Janet R.   | Spencer, Leo J.     |
| Wheeler, Katherine W.   |                    |                     |

**SULLIVAN**

|                    |                    |                  |
|--------------------|--------------------|------------------|
| Allison, David C.  | Burling, Peter Hoe | Harland, Jane A. |
| Lindblade, Eric N. | Tetu, Michael A.   |                  |

and the amendment was adopted.

Report adopted.

Referred to Appropriations.

Rep. Teague abstained from voting under Rule 16.

Rep. Hambrick notified the Clerk that she wished to be recorded in opposition to the motion.

**SB 208-FN**, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents. **OUGHT TO PASS WITH AMENDMENT.**

This bill changes the manner of collection of the tax on estates and legacies. Currently, the Department of Revenue Administration calculates the tax liability and notifies the executor of the estate of the amount due. The bill would require the executor to fill out the tax form and remit any tax due, the same way we collect all our other taxes. Additionally, the bill changes the time for payment of the tax from 12 to 9 months after the decedent's death, to coincide with payment date under federal law.

The amendment, developed with the help of DRA and the Bar Association, clarifies what happens when there is more than one person liable for the tax and when there is disagreement about the value of property. It also provides that for small estates, DRA will still ascertain the tax due, eliminating the need for a lawyer or accountant.

There are no changes in the rate or applicability of the tax. All current exemptions for spouses and linear relatives still apply. Vote 15-0. Rep. Donna P. Sytek for Ways and Means.

**Amendment**

Amend the bill by replacing section 2 with the following:

2 Joint Ownership: Surviving Joint Tenant. Amend RSA 86:8 to read as follows:

86:8 Joint Ownership. Whenever property, real or personal, is held in the joint names of [two] 2 or more persons or is deposited in banks or other depositories in the joint names of [two] 2 or more persons and payable to either or the survivor, upon the death of one of such persons, the right of the survivor to the immediate ownership [or possession and enjoyment] of such property shall be deemed a transfer taxable under this chapter. *The transfer shall be* in the same manner as though the whole property to which such transfer relates was owned by said parties as tenants in common and had been devised or bequeathed to the survivor by such deceased joint owner[, and the]. *The* survivor shall file with the [department] *executor or administrator* upon a form prescribed by [it] *the department*, a report of all transfers of real and personal property held in the joint names of the deceased joint tenant and the survivor and shall [satisfy] *notify* the [department] *executor or administrator* as to the amounts paid by such survivor from said property for necessary expenses of the funeral of the deceased joint tenant, expenses of the last sickness and medical expenses of [said] *the* deceased joint tenant. In the computation of the tax under this chapter [the depart-

ment] *there* shall [deduct] *be deducted* from the value of the property so reported such amounts as [it shall determine] were paid from said property for such funeral expenses, expenses of last sickness and medical expenses. *The surviving joint tenant shall remit the appropriate tax liability to the executor or administrator, or if the estate is liable for the tax, the executor or administrator shall pay the tax liability from the assets being held by the executor or administrator. The executor or administrator shall incorporate the value of the joint assets and the tax liability into the legacy and succession tax return required by RSA 86:90.*

Amend RSA 86:90, II as inserted by section 8 of the bill by replacing it with the following:

II. In those estates in which no executor or administrator has been appointed, the person who receives immediate ownership shall make and file such return. If there is more than one such person in immediate ownership, all such persons shall be jointly responsible for completing and filing one return reporting all of the assets of the estate. If there is more than one such person in immediate ownership and any such person is unable to agree on or file a joint return such person shall file an individual return with the department with a written explanation of why a joint return was not filed. The liability for the tax shall be individual and not joint.

Amend RSA 86:90, III as inserted by section 8 of the bill by replacing it with the following:

VI. The failure to file returns, except for good cause shown, the filing of fraudulent returns or the making, causing to be made or permitting to be made any false entry in the books or records of the estate with the intent to defraud the state or to evade the payment of the tax or any part thereof shall subject the executor or administrator to the penalties provided in RSA 21-J for such actions.

Amend section 8 of the bill by inserting after RSA 86:93 the following:

86:94 Liability of Executor or Administrator. Notwithstanding any other provision to the contrary:

I. The executor or administrator shall not be responsible for the accuracy of the value submitted for property passing to a joint tenant unless the estate is responsible for the tax thereon. Any dispute as to the value of such property shall be addressed between the department and the surviving joint tenant outside of the administration of the estate.

II. At the request of the executor or administrator, the department of revenue administration shall collect directly any tax due on joint property and the estate shall thereby be relieved of any responsibility of collection which would otherwise result under this chapter.

III. In any probate estate with a gross value not exceeding \$25,000, the executor or administrator may elect to opt out of any responsibility concerning the tax liability for property passing outside of the estate other than to report to the department any information concerning such property of which the executor or administrator may be aware. Upon written notification of such election by the executor or administrator, the department shall assume all responsibilities for the ascertainment and collection of the tax due.

Amend RSA 89:10, II as inserted by section 12 of the bill by replacing it with the following:

II. In those estates in which no executor or administrator has been appointed, the person who receives immediate ownership shall make and file such return. If there is more than one such person in immediate ownership, all such persons shall be jointly responsible for completing and filing one return reporting all of the assets of the estate. If there is more than one such person in immediate ownership and any such person is unable to agree on or file a joint return such person shall file an individual return with the department with a written explanation of why a joint return was not filed. The liability for the tax shall be individual and not joint.

#### AMENDED ANALYSIS

This bill amends the tax on legacies and successions, RSA 86, by:

(1) Requiring that the surviving joint tenant shall remit the appropriate tax liability to the executor or administrator or requiring the executor or administrator to pay the tax liability from the assets being held by the executor or administrator.

(2) Requiring the executor or administrator, rather than the department of revenue administration, to perform certain administrative duties.

(3) Changing the time for the payment of taxes from 12 to 9 months after the date of the decedent's death.

(4) Providing that interest shall accrue on the tax due during the period of an extension of time for payment of the tax.

(5) Giving the commissioner of revenue administration the authority to audit returns and to administer the chapter in general.

(6) Requiring the person who receives immediate ownership to make and file returns in those estates in which no executor or administrator has been appointed.

(7) Relieving the executor or administrator of certain tax liabilities.

The bill amends the tax on the transfer of estates, RSA 87, by giving the commissioner of revenue administration additional authority over returns and adjustments to tax.

The bill also amends the transfer tax on the personal property of nonresident decedents, RSA 89, by:

(1) Giving the commissioner of revenue administration new administrative powers over the making and auditing of returns.

(2) Requiring the resident executor or administrator to compute the tax due, and to remit the tax to the department of revenue administration.

(3) Changing from 15 to 9 months the time period within which the taxes shall be due.

The bill also includes the disclosure of returns and return information filed under RSA 86, 87, and 89 within the confidentiality requirements of RSA 21-J.

This bill is a request of the department of revenue administration.

Rep. Donna Sytek spoke in favor and yielded to questions.

Adopted.

Report adopted.

Ordered to third reading.

#### REMOVED FROM TABLE

Rep. Donna Sytek moved that HR 21 be taken from the table.

Adopted.

**HR 21**, affirming revenue estimates for fiscal years 1992 and 1993.

Rep. Donna Sytek offered a floor amendment.

### Floor Amendment

Amend the resolution by replacing all after the resolving clause with the following:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1992 and 1993:

|                           | Fiscal Year 1992 |                | Fiscal Year 1993 |                |
|---------------------------|------------------|----------------|------------------|----------------|
|                           | Statutory Rates  | Proposed Rates | Statutory Rates  | Proposed Rates |
| <b>GENERAL FUND</b>       |                  |                |                  |                |
| Beer                      | \$ 12,300,000    | \$ 12,300,000  | \$ 12,800,000    | \$ 12,800,000  |
| Board and care            | 19,000,000       | 400,000        | 19,500,000       | 400,000        |
| Business profits tax      | 116,000,000      | 131,000,000    | 124,000,000      | 139,000,000    |
| Estate and legacy tax     | 25,000,000       | 25,000,000     | 27,000,000       | 27,000,000     |
| Insurance                 | 43,000,000       | 43,000,000     | 45,000,000       | 45,000,000     |
| Interest and dividend tax | 41,000,000       | 41,000,000     | 45,000,000       | 45,000,000     |
| Liquor                    | 59,800,000       | 59,800,000     | 62,500,000       | 62,500,000     |
| Meals and rooms tax       | 80,900,000       | 92,500,000     | 83,100,000       | 95,000,000     |
| Parks income              | 7,500,000        | 4,750,000      | 7,500,000        | 4,950,000      |
| Dog racing                | 6,500,000        | 6,500,000      | 6,700,000        | 6,700,000      |
| Horse racing              | 4,800,000        | 4,800,000      | 4,800,000        | 4,800,000      |
| Real estate transfer tax  | 22,000,000       | 33,000,000     | 24,000,000       | 36,000,000     |
| Communications tax        | 13,800,000       | 23,000,000     | 14,400,000       | 24,000,000     |
| Cigarette tax             | 36,000,000       | 35,400,000     | 34,000,000       | 36,400,000     |
| Utilities                 | 10,000,000       | 23,200,000     | 10,500,000       | 22,700,000     |
| Other                     | 34,000,000       | 34,000,000     | 35,000,000       | 35,000,000     |
| Courts                    | 23,000,000       | 28,000,000     | 24,000,000       | 29,000,000     |
| Savings bank tax          | 14,000,000       | 14,000,000     | 15,000,000       | 15,000,000     |
| Total                     | \$568,600,000    | \$611,650,000  | \$594,800,000    | \$641,250,000  |
| <b>HIGHWAY FUND</b>       |                  |                |                  |                |
| Gasoline Road Toll        | \$ 91,381,000    | \$ 91,381,000  | \$ 92,310,000    | \$ 92,310,000  |
| ATA Lawsuit Recovery      | 0                | 0              | 0                | 0              |
| Motor Vehicle Fees        | 52,873,500       | 52,873,500     | 53,772,580       | 53,772,580     |
| Miscellaneous             | 7,550,000        | 7,550,000      | 7,550,000        | 7,550,000      |
| Total                     | \$151,804,500    | \$151,804,500  | \$153,632,580    | \$153,632,580  |
| <b>FISH AND GAME FUND</b> |                  |                |                  |                |
| Fish and Game Licenses    | \$ 5,700,000     | \$ 5,700,000   | \$ 5,700,000     | \$ 5,700,000   |
| Fines and Penalties       | 85,000           | 85,000         | 85,000           | 85,000         |
| Miscellaneous Sales       | 231,500          | 231,500        | 231,500          | 231,500        |
| Indirect Costs            | 50,000           | 50,000         | 50,000           | 50,000         |
| Total                     | \$ 6,066,500     | \$ 6,066,500   | \$ 6,066,500     | \$ 6,066,500   |

Rep. Donna Sytek yielded to questions.

Rep. Jacobson spoke to the resolution and yielded to questions.

Adopted.

### REMARKS

Rep. Lewis moved that the remarks of Rep. Donna Sytek re: SB 208 be printed in the Journal.

Adopted.

Rep. Donna Sytek: Thank you Mr. Speaker. I rise in support of the Committee report and I urge you to adopt the amendment and also the whole bill. Because there



have been so many questions about this I thought I would stand up and first of all, tell you what this bill doesn't do. There were a lot of questions at the time of the hearing even on the part of the Committee, about what they thought this bill did and what it actually does.

What it doesn't do is raise the rate of the Legacy Tax. The Governor has suggested that it be changed from 15% to 18%. That is not in this bill. The Senate is taking up that matter. We are not dealing with that in this bill. This bill doesn't change the current exemptions under the Legacy Tax. Already, lineal descendants are exempted. Spouses, children, grandchildren, adopted children, step-children and their spouses are all exempted, even foster children if they grew up in your home, are exempted. Brothers who lived with you before you went to the nursing home are exempted. All those people are still exempt. This bill doesn't change that.

What does the bill do? It changes the way the legacy state taxes are collected. Right now, all our taxes in the state except the estate and legacy taxes, are so-called compliance taxes. That means the taxpayer fills out a form and mails in the check. This tax is different because DRA actually does the computation of the tax, says you owe this much, sends you a bill and then you pay it. That's kind of a peculiar way to do it because after all the executor of the estate has to do these same computations for the Probate Court. So at the request of the Probate Court and others who are interested, a committee was formed and over the summer it developed this bill. It sailed through the Senate and it is coming, after a fair amount of examination by the Ways and Means Committee, with a unanimous Ought to Pass recommendation. I would urge you to support it. It doesn't make the drastic changes that the 25 people who called on the day of the hearing thought it made. We have gone through every chapter of this bill, every repeal. We have satisfied ourselves that it is the appropriate thing to do. It is a good idea to have the taxpayer fill out the form for this tax just as they do for any other tax. The passage of this bill will free up three of the people at the Department of Revenue Administration to do audits and to go after tax cheats, instead of doing the grunt work filling out forms for people. I would urge your support.

Rep. Christy: Thank you Mr. Speaker. Unless I'm reading wrong, the old form of joint tenants and right-of-survivorship has gone down the drain. Would you explain that to me, please.

Rep. Donna Sytek: Are you looking at the amendment? As you see, the first sentence of the amendment only changes the word "two" from being written out and changed to an arabic "2". If that is the sentence you are worried about, it is the current law. In the part that you are probably concerned about, says, "this is property deemed transfer taxable under this chapter". Under this chapter, everybody I mentioned before is exempt, doesn't have to fill out a form, doesn't have to do anything. Everybody I listed that is exempt, all those lineal descendants don't have to do a thing. If you are a joint tenant with your nephew, or with your neighbor, then this would apply.

Rep. Christy: In other words, if my wife and I have a joint bank account and I happen to go first, it doesn't automatically go to her unless she pays a transfer, or does it?

Rep. Donna Sytek: We are not changing the current law in which it automatically goes to her. We are not touching that at all.

Rep. Burling: Thank you Mr. Speaker. I have to admit, I'm not prepared, I'm still full of free speech. But I do want to present to you a question that a constituent (an attorney) passed to me a few days ago. Do you worry that the effective appointment of

the executor or administrator of an estate, essentially as the tax collecting agent for the State of New Hampshire, may cause us problems in the probate and managements of estates because people will no longer accept the obligation that we have applied to them?

Rep. Donna Sytek: No, I'm not worried about that all because the executor or the administrator of the estate does not become the tax collector unless there is a tax clause in the will. If the will says, I'm going to leave \$25,000 to my nephew Johnny after taxes, they (the administrator or the executor who is bonded for that purpose) pays the tax and gives \$25,000 to the little nephew. If there is not a tax clause in the will, the executor gives the \$25,000 to Johnny, files the report with DRA saying Johnny is liable for this tax and DRA goes after Johnny.

Rep. Burling: I'm correct am I not that this amendment changes the current law which creates a direct obligation from the obligor, the person who is supposed to pay the tax directly to the state or its department, and it now....., well perhaps you can help me then with the various changes that are in here, because as I read the amendment what we are doing is making the executor or the administrator personally responsible for the taxation.

Rep. Donna Sytek: No, the executor or the administrator is responsible only for filling out the form notifying DRA. DRA goes after these taxpayers the way they go after every taxpayer.

Rep. Martling: I was a member of the study committee to examine probate court reporting requirements. This came about because of the Judge Fairbanks fiasco, he is a fugitive from justice right now. The whole point of the study was to see if we could button up some of the loopholes in the reporting in the probate court proceedings so something like those actions wouldn't happen again. As a result, there were several bills recommended. Two came through Senator Podles as sponsor and Alice Record and I were co-sponsors. We sponsored a couple of bills earlier, but this stemmed from this study committee, which was made up of two Senators, two Representatives, a probate judge, Director of Charitable Trusts, attorneys from the New Hampshire Bar, one representative from the Division of Elderly and Adult Services, the Registrar of Probate, one attorney appointed by the Chief Justice of the Supreme Court, one bank trust officer, a member of the Office of Public Guardian and three other public members. Although this is a technical bill, in which everything you explained is correct, I wanted to give you the background and the reason why it came about. Thank you.

Rep. Donna Sytek: Rep. Martling, I'm glad you gave me the chance to point out that had this law been in effect, we would be in a much better situation if something like the Judge Fairbanks case came up again.

Rep. Lewis: Thank you Mr. Speaker. Rep. Sytek, it says here that the bill also amends the transfer tax on the personal property of non-resident descendants. I have four sons who live in four different states, other than New Hampshire, under this bill they would now be required to pay tax, am I correct?

Rep. Donna Sytek: Rep. Lewis, as Major Hoople said, you're as wrong as a worm on a wax apple. Those sons are exempt and they will still be exempt under this law.

#### LAI D ON THE TABLE

Rep. Donna Sytek moved that HR 21 be laid on the table.

Adopted.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 21, 1991 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 83**, relative to the investment of public funds.

**SB 67-FN**, relative to establishing a study committee to study the feasibility of revising the school building aid formula.

**SB 223**, relative to prohibiting the study committee established under 1989, 281:1 from considering whether to move or relocate the Dover toll plaza.

**SB 55-A**, relative to replacing the Warren Bridge on New Hampshire Route 25.

**SB 170-FN-A**, to study the revenue structure in New Hampshire and making an appropriation therefor.

**SB 42-FN**, relative to the board of podiatry.

**SB 183-FN**, relative to the Lamprey Regional Solid Waste Cooperative.

**SB 10-FN**, relative to a study committee on bonuses for veterans who served during the Persian Gulf crisis.

**SB 157-FN**, relative to bingo.

**SB 191-FN**, relative to fines and to loss of driver's license and plates for court defaults.

**SB 208-FN**, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents.

Rep. Gross moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 4:10 p.m.

**RECESS****NOTICE OF RECONSIDERATION**

Having voted on the prevailing side, Rep. Lewis served notice that today, May 16, 1991, or some subsequent day as limited by the rules, she would move that the House reconsider its action whereby it passed SB 208, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents.

Rep. Ann Torr moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 24**

Tuesday, May 21, 1991

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by House Chaplain, Henry A. Bearsto.

O God of majesty and power, who brings the beauty of spring and the warming of the days, we thank You for these signs of Your continuing care for Your creation. Make us aware of Your caring presence among us, we pray. Especially we pray for Eleanor Burns and for all others related to this body who are ill. Bless them in their time of need and bring healing to them. Be with us now as we face the work ahead. Cleanse our hearts of impure motives and selfish desires, expand our vision beyond what is to what can be if we will help to make it so, and so inspire us in our actions that some day we may look back upon this session with the knowledge that on this day the people's business was done well. Amen.

Rep. Martling led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Eunice Campbell, Romeo Jean, Parr, Splaine, Feuerstein, Mayhew, Marilyn Campbell and Accornero, the day, illness.

Reps. David Young (military service), Pignatelli, Holmes, Lindblade, Harland, Stapleton, Asplund, Teague, Donald Messier, Schotanus, Walsh, Jeffrey Brown and Stamatakis, the day, important business.

Rep. Crotty, the day, death in the family.

Speaker Burns, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Former Rep. Emma Wheeler, aunt of Rep. David Wheeler. Gaston and Roger Bergevin, brothers-in-law of Rep. Letourneau. John Barrett, guest of Rep. Katherine Foster.

**ENROLLED BILLS REPORT**

**HB 54-FN**, establishing a committee to study the laws regarding children in need of services.

**HB 173-FN**, establishing a committee to study certain provisions of RSA 154 relative to powers and duties of firewards.

**HB 184-FN**, relative to civil penalties for securities violations.

**HB 205**, restricting the method of taking freshwater smelt.

**HB 242-FN**, relative to the powers of county conventions.

**HB 271-FN**, to study the purchasing policies of the technical institute and the technical colleges.

**HB 311**, confirming an exemption from registration for securities listed on the National Association of Securities Dealers Automated Quotation National Market System or on the Chicago Board Options Exchange.

**HB 348**, relative to the municipal records board.

**HB 386**, relative to a representative town meeting form of government.

**HB 447**, relative to bulk commodities.

**HB 519-FN**, relative to municipal budget matters and the timber tax.

**HB 559-FN**, relative to commercial and recreational fisheries.



**HB 604**, granting rulemaking authority to the division of waste management relative to special waste and defining special waste.

**HB 653**, relative to defense and indemnification of state officers and employees.

**HB 655-FN**, relative to statistical reports.

**HB 684-FN-A**, regarding the committee to study conservation and preservation of state historic flags and making an appropriation therefor.

**HB 692-FN**, relative to reinsurance intermediaries.

**HB 767-FN**, to study/access to group health insurance policies.

**SB 19-FN**, establishing penalties and fines for use of blue lights by any person other than a law enforcement officer.

**SB 32-FN**, permitting district and municipal courts to accept payment of fines by credit card.

**SB 33-FN**, relative to establishing a nonlapsing account for the New Hampshire technical institute and vocational technical colleges and creating the position of director of financial management.

**SB 43-FN**, establishing a committee to study utilization and management review and managed care.

**SB 47**, relative to emergency response personnel.

**SB 64-A**, relative to the superior courthouse in Nashua and making an appropriation therefor.

**SB 71-FN-A**, relative to superior court justices.

**SB 74-FN**, establishing a committee to study the use of funds appropriated for catastrophic illness care.

**SB 78-FN**, relative to loans to municipalities from state revolving loan funds and relative to the state guarantee for the elimination of pollution from public waters.

**SB 79-FN**, establishing a committee to study an expedited permit process for environmental permits.

**SB 87-FN**, relative to replacement employees.

**SB 90-FN**, relative to the Salmon Falls Road in the cities of Somersworth and Rochester.

**SB 114-FN**, requiring a report on certain water laws.

**SB 122-FN**, exempting certain solid waste districts from application fees.

**SB 128-FN-A**, relative to the development of an electronic benefit transfer system and making an appropriation therefor.

**SB 149-FN-A**, relative to reimbursing certain school cooperatives for certain expenses and making an appropriation therefor.

**SB 150**, relative to partnerships and relative to foreclosures.

**SB 173-FN-A**, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor.

**SB 202-FN**, relative to due process in the liquor commission's proceedings.

**SB 222-FN**, relative to a study of alternative transportation.

**SB 224**, relative to increasing the bonding authority for industrial development projects for the city of Dover.

**SB 229**, establishing Civil Rights Day and abolishing Fast Day.

#### ENROLLED BILL AMENDMENT

**SB 28-FN-A**, relative to promoting New Hampshire businesses and products internationally.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to promoting New Hampshire businesses and products  
internationally and continually appropriating a fund  
for international trade promotion.

Amend the bill by replacing lines 2 and 3 of section 2 with the following:

inserting after section 2-g the following new section:

12-A:2-h International Trade Promotion. The commissioner of resources

Amend the bill by replacing lines 12 and 13 of section 2 with the following:  
committee on international trade established in RSA 12-A:30 and may draw on the  
revolving fund created under RSA 12-A:31.

Amend the bill by replacing lines 2-9 of section 3 with the following:

Established. Amend RSA 12-A by inserting after section 29 the following new subdivision:

**International Trade Promotion**

12-A:30 Advisory Committee on International Trade.

I. There is established an advisory committee on international trade. The advisory committee shall assist the commissioner of resources and economic development in carrying out the duties assigned under RSA 12-A:2-h. The advisory committee shall:

Amend the bill by replacing line 9 of RSA 12-A:29 as inserted by section 3 of the bill with the following:

development to accomplish the purposes of RSA 12-A:2-h. The moneys in this

Amend the bill by replacing line 1 of RSA 12-A:29 as inserted by section 3 of the bill with the following:

12-A:31 International Trade Promotion Fund. There is hereby  
Adopted.

**SENATE MESSAGES****ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 607**, permitting actions for damages resulting from violations of workers' compensation laws by bidders on construction contracts.

The President appointed Sens. Delahunt, Bass and Blaisdell.

**NONCONCURRENCE**

**HB 625-FN**, relative to hearings on tax abatements for property taxes.

**HB 696-FN**, relative to penalties for the sale and distribution of tobacco products to minors.

**CONCURRENCE**

**HB 211-FN-A**, relative to administrative fees of the air resources division and continually appropriating such fees.

**HB 262-FN**, revising hazardous waste facility permit fees.

**HB 324-A**, relative to highway projects and bond issuance and making an appropriation therefor.

**HB 385**, relative to administrative inspection warrants, town trust funds, and planning board decisions.

**HB 393-A**, relative to preliminary designs, an environmental impact statement for improving access to the Manchester airport, re-establishing a legislative task force and making an appropriation therefor.

**HB 427-A**, relative to additional improvements on Gosling Road and making an appropriation therefor.

**HB 458**, relative to the composition of the wetlands board.

**HB 493-FN**, relative to the design review fees for sewerage and wastewater projects.

**HB 513-FN**, relative to the eminent domain procedure act and unpaid taxes.

**HB 547-FN**, relative to the date for the application of the optional veterans' exemption and the optional exemption for the surviving spouses of veterans in certain towns.

**HB 652-FN**, relative to the duties of the board of tax and land appeals and the department of revenue administration.

**HB 667-FN**, relative to clean-up of health nuisances.

**HB 705-FN-A**, establishing the New Hampshire scenic byways planning program.

**HB 753-FN**, redefining compost and encouraging state agencies to utilize New Hampshire-produced compost when appropriate.

**CACR 7**, relating to the incompatibility of holding a state office and being called up for temporary military active duty. Providing that members of military reserves and national guard units occasionally called upon in an emergency shall be allowed to hold state offices.

**CACR 12**, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.

**HCR 11**, relative to abortion drug RU486.

### CONCURS WITH AMENDMENT

**SB 9-FN**, relative to a study of interactions between the mental health and criminal justice systems.

**SB 32-FN**, permitting district and municipal courts to accept payment of fines by credit card.

**SB 37**, relative to amending provisions of the voluntary corporation statute.

**SB 43-FN**, establishing a committee to study utilization and management review and managed care.

**SB 78-FN**, relative to loans to municipalities from state revolving loan funds and relative to the state guarantee for the elimination of pollution from public waters.

**SB 85-FN**, relative to women's sports.

**SB 115-FN**, relative to injuries done by dogs.

**SB 225-FN**, relative to the higher educational building corporation and loan eligibility.

**SB 229**, establishing Civil Rights Day and abolishing Fast Day.

### NONCONCURS WITH AMENDMENT

### REQUESTS COMMITTEE OF CONFERENCE

**SB 22**, relative to changes in reimbursement requirements for psychologists.

The President appointed Sens. Delahunty, Fraser and St. Jean.

Rep. Foss moved that the House accede.

Adopted.

The Speaker appointed Reps. Hogan, Hunt, Guay and Cornelius Keane.

**SB 97**, relative to administrative rules and state mandates.

The President appointed Sens. Currier, J. King and Heath.

Rep. Kidder moved that the House accede.

Adopted.

The Speaker appointed Reps. Kidder, William Boucher, Dowd and Larochelle.

**SB 180-FN**, relative to the hearings process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals.

The President appointed Sens. Roberge, W. King and Delahunty.

Rep. Grodin moved that the House accede.

Adopted.

The Speaker appointed Reps. Grodin, Perry, Salatiello and Soucy.

**SB 210-FN**, relative to drugged driving and making an appropriation therefor.

The President appointed Sens. Podles, Fraser and Hollingworth.

Rep. Martling moved that the House accede.

Adopted.

The Speaker appointed Reps. Lozeau, Martling, C. William Johnson and John Chandler.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 104-FN**, relative to a public water rights report and advisory committee. (Amendment printed SJ 26, 5/16/91)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Conroy, Leonard Smith and Maviglio.

**HB 107-FN**, relative to registration fees for dams. (Amendment printed SJ 26, 5/16/91)

Rep. Dickinson moved that the House concur.

Adopted.

**HB 111**, relative to protective well radii. (Amendment printed SJ 26, 5/16/91)

Rep. Dickinson moved that the House concur.

Adopted.

**HB 116**, relative to a definition of active military service in relation to representatives and senators. (Amendment printed SJ 26, 5/16/91)

Rep. Benton moved that the House concur.

Adopted.

**HB 129-FN**, relative to monitoring the reassessment of taxable property by the department of revenue administration. (Amendment printed SJ 26, 5/16/91)

Rep. Grodin moved that the House nonconcur.

Adopted.

**HB 142-FN**, relative to school district budgets. (Amendment printed SJ 26, 5/16/91)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.



The Speaker appointed Reps. Skinner, Domaingue, Searles and Yeaton.

**HB 147**, relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates. (Amendment printed SJ 26, 5/16/91)

Rep. Flanagan moved that the House concur.

Adopted.

**HB 158**, relative to highway safety for riders and drivers of animals. (Amendment printed SJ 22, 5/7/91)

Rep. Haynes moved that the House nonconcur.

Adopted.

**HB 161-FN**, to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement. (Amendment printed SJ 26, 5/16/91)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ward, Shibley, Robert Wheeler and Pelley.

**HB 166**, relative to voting in cooperative school districts. (Amendment printed SJ 25, 5/15/91)

Rep. Flanagan moved that the House concur.

Adopted.

**HB 210-FN**, creating a committee to study artificial impoundments. (Amendment printed SJ 26, 5/16/91)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. LaMott, John Chandler, Vaughn and Marston.

**HB 212-FN**, relative to black bear hunting licenses. (Amendment printed SJ 25, 5/15/91)

Rep. Perham moved that the House concur.

Adopted.

**HB 250-FN**, relative to the board of nursing. (Amendment printed SJ 26, 5/16/91)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dyer, Gosselin, Ward and Ann Torr.

**HB 257**, relative to collection and reclamation of motor vehicle wastes. (Amendment printed SJ 26, 5/16/91)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

**HB 269**, granting probate judges greater discretion to require bonds from executors and trustees and relative to probate court scheduling. (Amendment printed SJ 23, 5/9/91)

Rep. Martling moved that the House concur.

Adopted.

**HB 274-FN**, relative to sentencing to county correctional facilities. (Amendment printed SJ 26, 5/16/91)

Rep. Martling moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, Martling, Record and David Cote.

**HB 276-FN**, relative to the task force establishing voluntary agreements reducing and recycling the solid waste stream and the duties of the commissioner of environmental services. (Amendment printed SJ 26, 5/16/91)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

**HB 282-FN**, relative to the BOCA building code and the life safety code. (Amendment printed SJ 26, 5/16/91)

Rep. Benton moved that the House concur.

Adopted.

**HB 283-FN**, establishing a study committee on the problems of New Hampshire banks and financial institutions. (Amendment printed SJ 26, 5/16/91)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Syracuse, Lindblade and Rodgers.

**HB 286**, relative to the operation of powerboats on Long Pond in the town of Northwood. (Amendment printed SJ 26, 5/16/91)

Rep. Haynes moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Haynes, Katsakiores, Klemarczyk and Turgeon.

**HB 323-A**, relative to the Cheshire Bridge and making an appropriation therefor. (Amendment printed SJ 26, 5/16/91)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Marsh, Schotanus and Frechette.

**HB 341-FN**, relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula. (Amendment printed SJ 26, 5/16/91)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Larson, Corte, Kurk and Guest.

**HB 409-FN-A**, establishing an industrial heritage commission and industrial heritage park fund and making an appropriation therefor. (Amendment printed SJ 24, 5/14/91)

Rep. Hawkins moved that the House concur.

Adopted.

**HB 416**, relative to drug-free school zones and making appropriations therefor. (Amendment printed SJ 26, 5/16/91)

Rep. William McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. William McCain, Hawkins, Bean and Nordgren.

**HB 429**, relative to the salaries of county attorneys. (Amendment printed SJ 26, 5/16/91)

Rep. Grodin moved that the House concur.

Adopted.

**HB 462**, relative to special education hearing officers. (Amendment printed SJ 26, 5/16/91)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hoelzel, Laurent, Spencer and Flint.

**HB 463**, relative to rulemaking for the board of education. (Amendment printed SJ 26, 5/16/91)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Skinner, Larson, Guest and Teague.

**HB 509**, clarifying the definition of public benefit relative to permitting solid waste facilities. (Amendment printed SJ 26, 5/16/91)

Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Scanlan, Bradley, Trombly and Burnham.

**HB 515-FN**, giving legislative approval to the division of water resources, department of environmental services to accept certain dams if repair costs are paid by the current owners. (Amendment printed SJ 26, 5/16/91)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Lewis, Beach and Maviglio.

**HB 544**, relative to the time for hearing appeals before the ballot law commission and relative to appointing alternate ballot law commission members. (Amendment printed SJ 24, 5/14/91)

Rep. Flanagan moved that the House concur.

Adopted.

**HB 560-FN**, relative to bacteriological standards and reclassifying certain waters. (Amendment printed SJ 26, 5/16/91)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Leonard Smith, C.F. Buckley, Marston and Trombly.

**HB 563**, relative to the creation of trust funds and relative to unanticipated school funds. Amendment printed SJ 26, 5/16/91)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Carter, Hoelzel, Caswell and Patricia Brown.

**HB 571-FN**, relative to multiple-employer welfare arrangements. (Amendment printed SJ 26, 5/16/91)

Rep. Foss moved that the House concur.

Adopted.

**HB 576-FN**, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers. (Amendment printed SJ 26, 5/16/91)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Fair, Krueger, C. Dana Christy and Braiterman.

**HB 579**, relative to municipal charters. (Amendment printed SJ 24, 5/14/91)

Rep. Grodin moved that the House concur.

Adopted.

**HB 595**, relative to citations for building code and land use violations. (Amendment printed SJ 26, 5/16/91)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Perry, Nordgren, Golden and Ruth Gage.

**HB 611-FN**, relative to plastic holding devices used in packaging. (Amendment printed SJ 26, 5/16/91)

Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Tarpley, Burnham, Hanselman and Gerald Merrill.

**HB 613-FN**, relative to the procedures of the certificate of need board. (Amendment printed SJ 25, 5/15/91)

Rep. Robert Foster moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robert Foster, Ziegler, Ann Torr and Copenhaver.

**HB 619-FN**, relative to central business districts. (Amendment printed SJ 25, 5/15/91)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Grodin, Donna Sytek, Barnes and Salatiello.

**HB 637-FN**, relative to insurance fraud. (Amendment printed SJ 24, 5/14/91)

Rep. Foss moved that the House concur.

Adopted.



**HB 648-FN**, relative to the industrial development authority and the housing finance authority. (Amendment printed SJ 26, 5/16/91)

Rep. Hager moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hager, Channing Brown, Schotanus and Vaughn.

**HB 660-FN-A**, establishing a highway and bridge betterment program and making an appropriation therefor. (Amendment printed SJ 26, 5/16/91)

Rep. Gene Chandler moved that the House concur.

Adopted.

**HB 674-FN**, designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers. (Amendment printed SJ 26, 5/16/91)

Rep. Dickinson moved that the House concur.

Adopted.

**HB 704**, relative to liquidation under the supervision of the bank commissioner. (Amendment printed SJ 24, 5/14/91)

Rep. Foss moved that the House concur.

Adopted.

**HB 709-FN**, establishing a study committee relative to clearcutting forest resources and extending the effective date for rulemaking by the board of licensing for foresters. (Amendment printed SJ 26, 5/16/91)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Nehring, Lewis and Jankowski.

**HB 713-FN**, relative to the general counsel of the public utilities commission (Amendment printed SJ 26, 5/16/91)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. William Boucher, Rodeschin, Ward and Letourneau.

**HB 733-FN**, establishing a study committee to study public assistance. (Amendment printed SJ 25, 5/15/91)

Rep. Robert Foster moved that the House nonconcur.

Adopted.

**HB 742-FN**, relative to excavation. (Amendment printed SJ 26, 5/16/91)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

**HB 745-FN**, relative to sewage disposal systems. (Amendment printed SJ 26, 5/16/91)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Lewis, Roulston and Jankowski.

**HB 746-FN**, relative to procedures and fees for recording certain documents with town or city clerks. (Amendment printed SJ 24, 5/14/91)

Rep. Grodin moved that the House concur.

Adopted.

**HB 750-FN**, establishing a committee to study the development of a waste-tire management program. (Amendment printed SJ 26, 5/16/91)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

**HB 751-FN**, concerning the procedure for local enforcement of certain state environmental laws. (Amendment printed SJ 26, 5/16/91)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Wadsworth, Peyron, Bonnie McCann and Trombly.

**HB 761-FN**, relative to leasing certain state land. (Amendment printed SJ 26, 5/16/91)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Stio, Sandra Keans, Weeks and Frechette.

**HB 771-FN**, relative to sentencing and parole. (Amendment printed SJ 24, 5/14/91)

Rep. Martling moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, Martling, Record and DePecol.

**HB 780-FN**, relative to water treatment plant operators and fees for water system permits. (Amendment printed SJ 26, 5/16/91)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Lewis, Stamatakis and John Young.

**HJR 4**, relative to providing access to Flat Mountain Pond for members of the public. (Amendment printed SJ 26, 5/16/91)

Rep. Cowenhoven moved that the House concur.

Adopted.

### CONFEREE CHANGES

**SB 210**, relative to drugged driving and making an appropriation therefor. Rep. Burling replaced Rep. C. W. Johnson.

**HB 416**, relative to drug-free school zones and making appropriations therefor. Rep. Haettenschwiller replaced Rep. Nordgren.

**HB 560-FN**, relative to bacteriological standards and reclassifying certain waters. Rep. Martin replaced Rep. Marston.

**HB 576-FN**, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers. Rep. Syracuse replaced Rep. Braiterman.

**HB 611-FN**, relative to plastic holding devices used in packaging. Rep. Griebisch replaced Rep. G. Merrill.

## COMMITTEE REPORTS REGULAR CALENDAR

**SB 158**, relative to advanced registered nurse practitioners. **OUGHT TO PASS WITH AMENDMENT.**

This bill was introduced to preserve the Advanced Registered Nurse Practitioners' (ARNP) prescriptive authority in New Hampshire. The United States Drug Enforcement Agency (DEA) filed a rule change that only those with legislative authority to prescribe controlled drugs would be able to receive and hold a DEA number and be able to prescribe controlled drugs. The Committee wanted the delivery of medical services to the residents of New Hampshire to remain as it now is, so far as possible. This bill gives the ARNPs legislative approval to prescribe drugs from the approved formulary within the ARNPs scope of practice. The ARNPs will still have a collaborative relationship with a physician in the medical regimen of a patient. In addition to prescriptive powers, this bill establishes a formulary with protocols for the ARNPs and establishes a council, made up of two from the Nursing Board, two from the Pharmacy Board, two from the Medical Board and one additional physician, to establish a formulary and protocols. The Council must meet at least quarterly and must dispose of items on the agenda within three months. This Council will discuss other matters of mutual interest to the practitioners of the various Boards. This bill was extensively amended from the Senate version and modifies the Board of Nursing by staggering the terms of the Board members and establishes one of the Registered Nurse seats on the Board as one to be held by an ARNP. There are two housekeeping measures in this bill also: (1) continues the present formulary in use until the Council can prepare a new one, (2) repeals an outdated reference to operations of the Laconia State School which closed in February. Vote 16-1. Rep. Merton S. Dyer for Executive Departments and Administration.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that a collaborative relationship between advanced registered nurse practitioners and physicians is vital in assuring continued quality health care in New Hampshire. With this goal in mind, the general court finds that a joint health council is necessary to establish a forum in which members of the board of registration in medicine, the board of nursing and the board of pharmacy can discuss matters of mutual interest. The council will decide on any additions or alterations to the A.R.N.P. formulary and determine protocol guidelines.

2 Board of Nursing: Members. Amend RSA 326-B:3, I to read as follows:

I. The board of nursing shall be composed of 9 members to be appointed by the governor with the consent of the council. Suggestions for appointment may be made to the governor by any interested individual, association, or other entity. [The term of office for board members shall be 3 years, and no member of the board shall be appointed to more than 2 consecutive terms.] The members of the board shall include 5 registered nurses, *one of whom shall be an advanced registered nurse practitioner*, 2 licensed practical nurses, and 2 representative members of the public. *The terms of members appointed or reappointed after June 1, 1991, shall be staggered as determined by the governor and council, provided that the A.R.N.P. member shall be appointed to a 3-year term. Three members shall be appointed for a term of one year, 3 for a term of 2 years, and 3 for a term of 3 years. All subsequent terms shall*

*be for 3 years, and no member of the board shall be appointed to more than 2 consecutive terms.*

3 When A.R.N.P. May Prescribe Drugs. RSA 326-B:10, II is repealed and reenacted to read as follows:

II. A registered nurse, legally recognized as an advanced registered nurse practitioner, shall have plenary authority to prescribe medications from the official formulary established by the joint health council established in RSA 326-B:10-a and within the scope of the A.R.N.P.'s practice as defined by the New Hampshire board of nursing based on usual and customary advanced nursing practice standards. Controlled and non-controlled substances shall be prescribed from the formulary according to protocol guidelines approved by the joint health council. The privilege of prescriptive authority may be denied, suspended or revoked by the board of nursing upon proof that the privilege has been abused.

4 New Section; Joint Health Council. Amend RSA 326-B by inserting after section 10 the following new section:

I. The joint health council shall consist of 7 members as follows: the chair of the board of nursing; one member of the board of nursing currently licensed to practice nursing under RSA 326-B and appointed by the chair of that board; the chair of the board of registration in medicine; 2 physicians currently licensed to practice medicine under RSA 329 and appointed by the chair of that board, provided that one of the physicians is a member of the board of registration in medicine; the chair of the board of pharmacy, and one member of the board of pharmacy currently licensed to practice as a pharmacist under RSA 318 and appointed by the chair of that board. The chairmanship of the council shall rotate annually among the chairs of the respective boards. The chair of the board of nursing shall serve as the first chair of the council, the chair of the board of pharmacy shall serve as the second chair of the council, and the chair of the board of registration in medicine shall serve as the third chair of the council.

II. The council shall meet not less than once every 3 months to discuss matters pertinent to the A.R.N.P. formulary and matters of mutual concern to the board of registration in medicine, the board of nursing and the board of pharmacy. Each of the 3 boards may submit items to be assigned to the agenda for every meeting of the council. Any items on the agenda not addressed at a particular council meeting shall be decided at the next meeting of the council.

III. The duties of the joint health council shall include, but not be limited to, adding or altering the list of controlled and non-controlled substances on the A.R.N.P. formulary and approving protocol guidelines for A.R.N.P. prescription of both controlled or non-controlled substances deemed necessary by the council. Decisions on such additions or alterations shall be rendered within 3 months of initial consideration by the council and shall be determined by an affirmative vote of at least 5 members of the council.

5 Continuance of Existing Formulary. The formulary presently jointly agreed upon by the board of registration in medicine and the board of nursing and administered by any advanced registered nurse practitioner shall remain in effect until the joint health council established pursuant to RSA 326-B:10-a convenes and issues a decision on the formulary to be adopted by the board of nursing.

6 Repeal. RSA 326-B:17, VII, relative to Laconia developmental services direct care employees, is hereby repealed.

7 Effective Date.



I. Sections 1-5 of this act shall take effect 90 days after its passage.

II. Section 6 shall take effect upon its passage.

Rep. Dyer spoke in favor.

Adopted.

Rep. Dyer offered a floor amendment.

### **Floor Amendment**

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect 90 days after its passage.

Amend the bill by deleting section 6 and renumbering section 7 to read as 6.

Rep. Dyer spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**SB 182-FN**, relative to the division of information services. OUGHT TO PASS WITH AMENDMENT.

This bill continues the moratorium on the further purchase of computer hardware and software. The amendment establishes a legislative committee to advise and to be informed of the needs of the Department on a long-range statewide plan. Vote 14-3. Rep. Kathleen W. Ward for Executive Departments and Administration.

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the division of information services  
and establishing a committee to study  
data based management issues.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Data Based Management Advisory Committee. Amend RSA 21-I by inserting after section 40 the following new section:

21-I:40-a Data Based Management Advisory Committee. There is hereby established an advisory committee to advise the commissioner of the department of administrative services regarding data based management issues including, but not limited to, detailed operational procedures and hardware and software acquisition criteria. The committee members shall be as follows:

I. The speaker of the house of representatives, or designee.

II. The president of the senate, or designee.

III. The governor, or designee.

IV. Two members of the house of representatives, appointed by the speaker of the house of representatives. The speaker may appoint alternates for these positions.

V. Two members of the senate, appointed by the president of the senate. The president may appoint alternates for these positions.

VI. The commissioner of the department of administrative services who shall act as chairman of the committee.

3 Position Abolished. The unclassified position of director of the division of information services is hereby abolished when the current incumbent resigns or when his commission expires, whichever is earlier.

4 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill extends the division of information services, department of administrative services' moratorium on purchasing or leasing computer hardware and software.

This bill also establishes an advisory committee to advise the commissioner of the department of administrative services regarding data based management issues, including detailed operational procedures and hardware and software acquisition criteria.

This bill also abolishes the unclassified position of director of the division of information services, upon the death, resignation, retirement or termination of the incumbent.

Rep. Ward spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 28, 1991 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 158**, relative to advanced registered nurse practitioners.

**SB 182-FN**, relative to the division of information services.

### SUSPENSION OF RULES

Its introduction having been approved by the Rules Committee, Reps. Gross and Chambers moved that the House deadlines for Committees of Conference be suspended and that, except for budget bills, revenue bills and any bills admitted through the Rules Committees of either body, the following new deadlines be established:

Wednesday, May 29 - Last Day to establish Committees of Conference.

Friday, June 7 - Last Day to sign off on Committee of Conference Reports in Legislative Services.

Monday, June 10 - Printed copies of Committee of Conference Reports available to members.

Thursday, June 13 - Last day to act on Committee of Conference Reports.

Monday, June 17 - All bills to Governor.

Rep. Gross spoke in favor and yielded to questions.

Rep. Chambers spoke in favor.

Adopted by the necessary two-thirds.

### INTRODUCTION OF HCR

Its introduction having been approved by the Rules Committee, Reps. Gross and Michael Hill offered the following:

**HCR 14**, adopting joint rules relative to committees of conference.

Resolved, by the House of Representatives, the Senate concurring:

That the General Court adopt the following joint rules for 1991:

Joint Rule 1. Bills Indefinitely Postponed Not to be Admitted. No bill which has been indefinitely postponed shall be admitted under color of amendment by a committee of conference or otherwise.

Joint Rule 2. Committees of Conference.

(a) Whenever there be any disagreement between the Senate and the House on the content of any bill or resolution, and whenever both bodies, voting separately, have agreed to establish a committee of conference, the President of the Senate shall appoint three members to the Senate conference committee on the bill and the Speaker of the House shall appoint four members to the House conference committee. Exceptions: (1) the House committee of conference on the operating budget shall consist of five members; (2) the number of the members of the committees of conference on any bill may increase or decrease if the President and the Speaker both agree. The two committees of conference on a bill shall meet jointly but vote separately while in conference. A unanimous vote by both committees of conference shall be necessary for an agreed report to the Senate and the House by the committees of conference.

(b) The first-named person from the body where the bill or resolution in disagreement originated shall have the authority to call the time and place for the first meeting of the committees of conference on said bill.

(c) The first-named person on a committee of conference shall be the chairman of that conference. The chairman of the committee of conference of the body where the bill or resolution in disagreement originated shall chair the joint meeting of the committees of conference.

(d) No action shall be taken in either body on any committee of conference report earlier than some subsequent day, after the report has been delivered to the seats or placed on a member's desk. A committee of conference may neither change the title of any bill submitted to it nor add amendments which are not germane to the subject matter of the bill as originally submitted to it.

(e) Conference Committees on Budget Bills. The report of each committee of conference on either the general appropriation bill, or the capital improvements bill shall be printed in the journal or a supplement thereto of the appropriate body before action on said report is taken on the floor. Non-germane amendments, sections and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances. Notwithstanding the general provisions of paragraph (h) of this section, the Conference Committee on general appropriations bill may propose new items for inclusion in said bill but no such item may be so included unless and until it shall have been returned to both the Senate and the House and adopted in identical form by a majority vote in each body.

(f) When both committees of conference on a concurrent resolution proposing an amendment to the constitution have agreed, the committee of conference from the body which acceded to a request for committees of conference shall file its report with the clerk of that body who shall print it in full in the journal or supplement of that body. The report shall be made a special order of business at the late session of a subsequent day. After said report has been adopted by the first body, a message shall be transmitted to the second body which shall then act upon the report of its committee of conference.

(g) A sponsor of any bill or joint resolution referred to committees of conference shall, upon his request, be granted a hearing before said committees prior to action thereon.

(h) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed in either body. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

Rep. Gross spoke in favor.

Adopted.

Rep. Lozeau offered a floor amendment.

#### **Floor Amendment**

Amend paragraph (h) of Joint Rule 2 by replacing it with the following:

(h) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed or found inexpedient in either body. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

Amend Joint Rule 2 by inserting after paragraph (h) the following new paragraph:

(i) Any matter which has been re-referred by either body shall not be amended to any bill in a committee of conference unless approved for inclusion by the standing committee to which the bill was re-referred.

Rep. Lozeau requested that the question be divided.

The Chair ruled that the question was divisible.

The question was on section (h) of the floor amendment.

Rep. Lozeau spoke in favor.

Rep. Gross spoke against and yielded to question.

Section (h) lost.

The question was on section (i) of the floor amendment.

Rep. Lozeau spoke in favor.

Section (i) was adopted.

Amended report adopted.

Ordered to third reading.

#### **LATE SESSION**

##### **Third reading and final passage**

**HCR 14**, adopting joint rules relative to committees of conference.

Rep. Gross moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 3:15 p.m.

#### **RECESS**

Rep. Michael Hill moved that the House adjourn.

Adopted.



**HOUSE JOURNAL No. 25**

Tuesday, May 28, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairstow.

Almighty God, who calls us to serve You by serving others, grant that we may be thankful for the opportunity to serve in and through this historic and prestigious body. Give us clear vision, we pray, to see through the tug and pull of constituents and lobbyists and colleagues, and through the complexities of the legislation before us, that we may with full knowledge and understanding bring forth that which will well serve New Hampshire's citizens both now and in the years to come. Amen.

Rep. Thayer led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Feuerstein, Splaine, Emma Dodge and Parr, the day, illness.

Reps. Gilbreth, Trelfa, David Young (military service), Asplund, Harry Flanders, Flint, Arthur Smith, Golden, Melnick, Stamatakis, Nordgren, Harland, Walsh, Salatiello and Kinney, the day, important business.

Reps. Whittemore and Wright, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Dawn Rubin, daughter of Rep. Rubin. Patricia Marston and Virginia Kenney, wife and guest of Rep. Marston. Cathy Ann Tsiros, wife of Rep. Tsiros. Shana Levine, guest of Rep. Pignatelli. Jennifer Bover, guest of Rep. David Dow. Ardi Partadinata, Syarifoeuddin DJ. Koem, Mohammed Amin, members of the Indonesian Parliament and Daniel Fietkiewicz, interpreter, guests of Rep. Katherine Wheeler.

**ENROLLED BILLS REPORT**

**HB 133**, relative to the right to know law.

**HB 245**, prohibiting pre-season baiting.

**HB 385**, relative to administrative inspection warrants, town trust funds, and planning board decisions.

**HB 406**, relative to modification of support orders.

**HB 427-A**, relative to additional improvements on Gosling Road and making an appropriation therefor.

**HB 617-FN**, relative to fishing permits for certain head-injured persons.

**HB 753-FN**, redefining compost and encouraging state agencies to utilize New Hampshire-produced compost when appropriate.

**SB 9-FN**, relative to a study of interactions between the mental health and criminal justice systems.

**SB 11-A**, appropriating funds for a new courthouse in Rockingham county.

**SB 41-A**, relative to the construction of a fire training academy for New Hampshire fire fighters and making an appropriation therefor, and relative to motor vehicle records fees.

**SB 171-FN**, relative to discrimination in the workplace.

**SB 185-FN**, allowing caterers to subcontract the cooking, preparing, and serving of food.

**SB 214-FN**, exempting specialized programs or equipment of the Christa McAuliffe planetarium from the state's competitive bidding process.

**CACR 12**, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.

Rep. Miriam Dunn for the Committee

### ENROLLED BILLS REPORT

**HB 116**, relative to vacancies in the New Hampshire general court.

**HB 212-FN**, relative to black bear hunting licenses.

**HB 269**, relative to probate court scheduling.

**HB 289-FN**, relative to regulating commercial salt water fishing.

**HB 393-A**, relative to preliminary designs, an environmental impact statement for improving access to the Manchester airport, re-establishing a legislative task force and making an appropriation therefor.

**HB 458**, relative to the composition of the wetlands board.

**HB 493-FN**, relative to the design review fees for sewerage and wastewater projects.

**HB 547-FN**, relative to the date for the application of the optional veterans' exemption and the optional exemption for the surviving spouses of veterans in certain towns.

**HB 620-FN**, relative to the transportation of alcohol in open containers.

**HB 637-FN**, relative to insurance fraud.

**HB 667-FN**, relative to clean-up of health nuisances.

**SB 5-FN**, relative to Skyhaven airport.

**SB 7-FN-A**, relative to an industrial research center at the university of New Hampshire and making an appropriation therefor.

**SB 14-A**, relative to environmental and engineering studies and acquisition of rights-of-way for the construction of a truck lane on United States Route 2 in Jefferson, New Hampshire, and making an appropriation therefor.

**SB 61-FN**, relative to speedy payments for the care of children in foster homes.

**SB 67-FN**, relative to establishing a study committee to study the feasibility of revising the school building aid formula.

**SB 118-FN**, relative to the department of revenue administration.

**SB 125-FN**, relative to child abuse and neglect proceedings.

**SB 140-FN**, establishing a committee to study rate setting for certain services, placements, and programs.

**SB 155**, relative to mechanics' liens.

**SB 165-FN**, relative to permit fees for excavating and dredging permits.

**SB 189-FN**, allowing raffles to be conducted at the same place as bingo games and increasing raffle prize award wholesale costs.

**CACR 7**, relating to the incompatibility of holding a state office and being called up for temporary military active duty. Providing that members of military reserves and national guard units occasionally called upon in an emergency shall be allowed to hold state offices.

Rep. Marsh, Sen. Currier for the Committee

### ENROLLED BILLS REPORT

**HB 147**, relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates.

**HB 154**, relative to electing Belknap county commissioners and relative to printing county convention proceedings in Belknap county.

**HB 166**, relative to voting in cooperative school districts.

**HB 224-FN**, relative to new motor vehicle arbitration.

**HB 409-FN-A**, establishing an industrial heritage commission and industrial heritage park fund and making an appropriation therefor.

**HB 429**, relative to the salaries of county attorneys and relative to prior service as an employee of a political subdivision.

**HB 513-FN**, relative to the eminent domain procedure act and unpaid taxes.

**HB 544**, relative to the time for hearing appeals before the ballot law commission and relative to appointing alternate ballot law commission members.

**HB 548**, relative to the information required on checklists.

**HB 571-FN**, relative to multiple-employer welfare arrangements.

**HB 704**, relative to liquidation under the supervision of the bank commissioner.

**HB 705-FN-A**, establishing the New Hampshire scenic byways planning program.

**HB 746-FN**, relative to fees for recording certain documents with town or city clerks.

**HB 750-FN**, establishing a committee to study the development of a waste tire management program.

**SB 85-FN**, relative to women's sports.

**SB 115-FN**, relative to injuries done by dogs.

**SB 157-FN**, relative to bingo.

**SB 170-FN-A**, to study the revenue structure in New Hampshire and making an appropriation therefor.

Rep. Miriam Dunn for the Committee

### ENROLLED BILLS AMENDMENTS

**SB 3-A**, relative to exit 10 on the Spaulding turnpike and making an appropriation therefor.

#### Amendment

Amend line 2 of section 3 of the bill by replacing it with the following:

Amend 1986, 203 as amended by 1988, 266:2 and 1990, 244:2 and 3 by inserting after section 8-b the following new sections:

Adopted.

**SB 55-A**, relative to replacing the Warren Bridge on New Hampshire Route 25.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to replacing the Warren Bridge on  
New Hampshire Route 25 and extending the  
deadline for completion of a study.

Amend section 1 of the bill by replacing lines 2-4 with the following:  
1988, 215:2, 1 by inserting after subparagraph (uu) the following new subparagraph:

(vv) Warren NH 25/Baker River

Adopted.

**SB 57-FN**, relative to the review of New Hampshire corporate laws.

#### Amendment

Amend the bill by replacing section 4 with the following:

4 Compensation. Members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate.

**Amendment**

Amend the bill by replacing section 4 with the following:

4 Compensation. Members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate.

Adopted.

**SB 102-FN**, authorizing the bank commissioner to establish and administer a public deposit investment pool.

**Amendment**

Amend the bill by replacing section 13 with the following:

13 Effective Date.

I. Section 11 of this act shall take effect July 1, 1995, at 12:01 a.m.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**HB 262-FN**, revising hazardous waste facility permit fees.

**Amendment**

Amend the bill by replacing all after section 6 with the following:

7 Contingency Renumbering. If any other act of the 1991 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1991 session laws.

8 Effective Date. This act shall take effect July 1, 1991.

Adopted.

**HB 443-FN-A**, relative to shoreland protection and making an appropriation therefor and relative to pesticide applications.

**Amendment**

Amend RSA 483-B:7 as inserted by section 1 of the bill by replacing line 3 with the following: voluntarily assist with the permitting process under RSA 483-B:6 and

Amend RSA 483-B:14, II as inserted by section 2 of the bill by replacing line 9 with the following: in RSA 483-B:14, I for appeals shall apply.

Amend the bill by deleting section 6 and renumbering sections 7-11 to read as 6-10.

Amend section 8 of the bill by replacing it with the following:

8 Contingency. Sections 1, 2 and 5 of this act shall take effect only after the general court has approved funding of sections 1, 2 and 5 of this act after consideration of the implementation plan required under section 7 of this act, except that any gifts grants, and donations solicited or received by the department of environmental services under RSA 483-B:15 may be expended only for the purpose of preparation of the report required under section 7 of this act. The commissioner shall not activate the rulemaking process pursuant to RSA 483-B:17 until the general court has approved funding of sections 1, 2 and 5 of this act after consideration of the implementation plan required under section 7 of this act.



Amend section 9 of the bill by replacing line 1 with the following:

9 Study Committee Established; Mining Registration Permits Restrained.

Amend subparagraph II(j) of section 9 of the bill by replacing it with the following:

(j) The executive director of the department of fish and game, or his designee.

Amend paragraph I of section 10 of the bill by replacing it with the following:

I. Sections 1, 2, and 5 of this act shall take effect as provided in section 8 of this act.

Adopted.

**HB 683-FN-A**, establishing a transportation task force for the twenty-first century and making an appropriation therefor.

#### Amendment

Amend lines 2-3 of section 6 of the bill by replacing them with the following:

force for the purposes of this act for the biennium ending June 30, 1993. This appropriation shall be a charge against the highway fund.

Adopted.

### SENATE MESSAGES

#### CONCURRENCE

**HB 154**, relative to electing Belknap county commissioners and relative to printing county convention proceedings in Belknap county.

**HB 243**, relative to the number of signatures required to place a petitioned article on the warrant.

**HB 349**, relative to the charter of the New Hampshire Centennial Home for the Aged.

**HB 434**, relative to the procedure for planning boards to revoke approval of recorded plats.

**HB 542**, relative to the time frame for submitting school district meeting warrant articles and the number of petitioners necessary to submit a warrant article.

**HB 548**, relative to the information required on checklists.

**HB 633-FN**, to clarify the handling of administrative fees required by local land use boards, relative to elected planning board members, and relative to the definition of "mayor" for planning and zoning purposes.

**HB 691-FN**, relative to licensing and certification of real estate appraisers and licensing private detectives.

**HB 754-FN**, relative to the duties of the secretary of state, the election laws, and certain miscellaneous statutes.

#### CONCURRENCE WITH AMENDMENTS

**SB 10**, establishing a study committee on bonuses for veterans who served during the Persian Gulf crisis.

**SB 55-A**, relative to replacing the Warren Bridge on New Hampshire Route 25.

**SB 83**, relative to the investment of public funds.

**SB 126-FN**, relative to groundwater classification.

**SB 158**, relative to advanced registered nurse practitioners.

**SB 170-FN-A**, to study the revenue structure in New Hampshire and making an appropriation therefor.

**SB 191-FN**, relative to fines and to loss of driver's license and plates for court defaults and increasing drivers' license fees.

**NONCONCURRENCE**

**HB 122**, relative to placing ballots directly in the ballot box.

**HB 241**, relative to the age requirement for retirement communities.

**HB 525-FN**, relative to appealing recounts in town elections.

**HB 624-FN**, relative to removing candidates' signs after an election.

**NONCONCURS WITH AMENDMENT****REQUESTS COMMITTEE OF CONFERENCE**

**SB 223**, relative to modifying the duties of the study committee established under 1989, 281:1 to include consideration of the location of toll plazas.

The President appointed Sens. Nelson, Shaheen and Fraser.

Rep. Gene Chandler moved that the House refuse to accede.

Adopted.

**SB 42-FN**, relative to the board of podiatry.

The President appointed Sens. Currier, Colantuono and Blaisdell.

Rep. Kidder moved that the House accede.

Adopted.

The Speaker appointed Reps. Kidder, Emerton, Ward and McGovern.

**ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE**

**HB 104-FN**, relative to a public water rights report and advisory committee.

The President appointed Sens. W. King, Russman and Hollingworth.

**HB 142-FN**, relative to school district budgets.

The President appointed Sens. Disnard, Heath and Humphrey.

**HB 161-FN**, to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement system.

The President appointed Sens. Delahunty, Nelson and Bass

**HB 210-FN**, creating a committee to study artificial impoundments.

The President appointed Sens. W. King, Currier and Oleson.

**HB 250-FN**, relative to the board of nursing.

The President appointed Sens. Currier, Fraser and Pressly.

**HB 274-FN**, relative to sentencing to county correctional facilities.

The President appointed Sens. Podles, Colantuono and Nelson.

**HB 283-FN**, establishing a study committee on the problems of New Hampshire banks and financial institutions.

The President appointed Sens. Fraser, Delahunty and Disnard.

**HB 286-FN**, relative to the operation of powerboats on Long Pond in the town of Northwood.

The President appointed Sens. Heath, Currier and St. Jean.

**HB 323-A**, relative to the Cheshire Bridge and making an appropriation therefor.

The President appointed Sens. Nelson, Disnard and Fraser.

**HB 341-FN**, relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula.

The President appointed Sens. Disnard, Hough and J. King.

**HB 416-FN-A**, relative to drug-free school zones and making an appropriation therefor.

The President appointed Sens. Podles, Nelson and Shaheen.

**HB 462**, relative to special education hearing officers.

The President appointed Sens. Disnard, Hough and Humphrey.

**HB 463**, relative to rulemaking for the board of education.

The President appointed Sens. Disnard, Delahunty and Currier.

**HB 509**, clarifying the definition of public benefit relative to permitting solid waste facilities.

The President appointed Sens. W. King, Russman and Currier.

**HB 515-FN**, giving legislative approval to the division of water resources, department of environmental services to accept certain dams if repair costs are paid by the current owners.

The President appointed Sens. W. King, Currier and Russman.

**HB 560-FN**, relative to bacteriological standards and reclassifying certain waters.

The President appointed Sens. W. King, Russman and Fraser

**HB 563-FN**, relative to the creation of trust funds and relative to unanticipated school funds.

The President appointed Sens. Disnard, Hough and J. King.

**HB 576-FN**, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers.

The President appointed Sens. Delahunty, Blaisdell and Bass.

**HB 595-FN**, relative to citations for building code and land use violations.

The President appointed Sens. Podles, Humphrey and Hollingworth.

**HB 611-FN**, relative to plastic holding devices used in packaging.

The President appointed Sens. W. King, Russman and Oleson.

**HB 613**, relative to the procedures of the certificate of need board.

The President appointed Sens. J. King, McLane and Bass.

**HB 619-FN**, relative to central business districts.

The President appointed Sens. Bass, Dupont and Shaheen.

**HB 648-FN**, relative to the industrial development authority and the housing finance authority.

The President appointed Sens. Dupont, Shaheen and Bass.

**HB 709-FN**, establishing a study committee relative to clearcutting forest resources and extending the effective date for rulemaking by the board of licensing for foresters.

The President appointed Sens. W. King, Oleson and Fraser.

**HB 713-FN**, relative to the general counsel of the public utilities commission.

The President appointed Sens. Currier, Colantuono and Pressly.

**HB 745-FN**, relative to sewage disposal systems.

The President appointed W. King, Fraser and McLane.

**HB 751-FN**, concerning the procedure for local enforcement of certain state environmental laws.

The President appointed Sens. W. King, Fraser and Hollingworth.

**HB 761-FN**, relative to leasing certain state land.

The President appointed Sens. Currier, McLane and J. King.

**HB 771-FN**, relative to sentencing and parole.

The President appointed Sens. Podles, Colantuono and Hollingworth.

**HB 780-FN**, relative to water treatment plant operators and fees for water system permits.

The President appointed Sens. W. King, Oleson and Russman.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 137-FN**, relative to railroad rights-of-way. (Amendment printed SJ 27, 5/21/91)

Rep. Haynes moved that the House concur.

Adopted.

**HB 171-FN**, relative to maintaining the "Old Man of the Mountain." (Amendment printed SJ 27, 5/21/91)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Schotanus, LaMott, Dickinson and Frechette.

**HB 248-FN**, relative to developments having regional impact. (Amendment printed SJ 27, 5/21/91)

Rep. Grodin moved that the House concur.

Adopted.

**HB 328-A**, relative to a new Manchester district court facility and making an appropriation therefor. (Amendment printed SJ 27, 5/21/91)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Alukonis, LaMott and O'Rourke.

**HB 391-FN**, to permit the adoption of impact fees as part of a zoning ordinance. (Amendment printed SJ 27, 5/21/91)

Rep. Grodin moved that the House concur and spoke in favor.

Adopted.

### REMARKS

Rep. Skinner moved that Rep. Grodin's remarks on HB 391-FN be printed in the Journal.

Adopted.

Rep. Grodin: Thank you Mr. Speaker. Members of the House, if we concur with the Senate amendment we will have approved of something very important for the cities and towns in the effort to keep property taxes down. This, to a number of us, is a very historic moment. Four times the House overwhelmingly passed an impact fee bill only to find it defeated by the Senate. This is the fifth time, and this time the Senate amendment is something that we can concur with. I ought to take a moment to acknowledge some of those responsible for this legislation. I'd like to begin with Rep. Len Smith, who five or six years ago introduced the first impact fee bill. The co-sponsors of this bill did more than just sign on. Sen. Currier led the fight in the Senate. William McCann, Bob Wheeler and Susan Spear did yeoman work. This bill also had the support both overtly and behind the scenes of both the Minority Leader



and the Majority Leader. Finally, and most importantly, Rep. Wadsworth. Two years ago, Karen chaired a House/Senate Study Committee. We thought that was an exercise in futility but it turned out the work that committee did actually formed the basis of the Senate amendment. Over the past two years Karen has written articles, given speeches and had more interviews than I can count. She deserves the lion's share of the credit for spreading the word and the resulting strong support that impact fee legislation has among the cities and towns of New Hampshire. Fellow representatives, I ask the privilege of asking you to join me in support in expressing your appreciation to those Democrats and Republicans who have given such strong support and final passage of impact fee legislation. Thank you.

**HB 443-FN-A**, relative to shoreland protection and making an appropriation therefor and relative to pesticide applications. (Amendment printed SJ 27, 5/21/91)

Rep. Dickinson moved that the House concur.

Adopted.

**HB 517-FN**, relative to watercraft safety. (Amendment printed SJ 27, 5/21/91)

Rep. Haynes moved that the House concur.

Adopted.

**HB 523-FN**, relative to local cease and desist orders for zoning, planning and code violations. (Amendment printed SJ 27, 5/21/91)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Metzger, Lown, Patricia Cote and Salatiello.

**HB 532**, relative to the color of ballots used in municipal elections. (Amendment printed SJ 27, 5/21/91)

Rep. Flanagan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Holden, Paul White, Flanagan and Kingsbury.

**HB 577**, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board. (Amendment printed SJ 27, 5/21/91)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Peyron, Eva Lawrence, Barnes and Vaughn.

**HB 581**, relative to personal property of tenants. (Amendment printed SJ 27, 5/21/91)

Rep. Tufts moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Coffey, Ouellette, Calawa and Molner.

**HB 583-FN**, relative to carrying pistols and revolvers. (Amendment printed SJ 27, 5/21/91)

Rep. Benton moved that the House nonconcur.

Adopted.

**HB 603-FN**, to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts. (Amendment printed SJ 27, 5/21/91)

Rep. Horton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Horton, Lockwood, Ann Torr and Soldati.

**HB 610-FN**, establishing a committee to study how the department of administrative services may efficiently collect the fines and fees imposed by the state. (Amendment printed SJ 27, 5/21/91)

Rep. Kidder moved that the House concur.

Adopted.

**HB 621**, relative to voting by absentee ballot. (Amendment printed SJ 27, 5/21/91)

Rep. Flanagan moved that the House nonconcur.

Adopted.

**HB 720-FN**, relative to fireworks. (Amendment printed SJ 27, 5/21/91)

Rep. Benton moved that the House concur.

Adopted.

**HB 736-FN**, relative to energy facility siting, licensing and operation. (Amendment printed SJ 27, 5/21/91)

Rep. Rodeschin moved that the House concur.

Adopted.

**HB 757-FN**, repealing the law relative to employment offices. (Amendment printed SJ 27, 5/21/91)

Rep. Kidder moved that the House concur.

Adopted.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Lewis moved that the House reconsider its action whereby it passed SB 208, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents, spoke in favor of her motion and withdrew her motion.

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 119-FN**, relative to the business profits tax, the real estate transfer tax, and the communications services tax. INEXPEDIENT TO LEGISLATE.

The original bill made technical corrections to the Business Profits Tax, which the Committee previously incorporated into HB 322. The Committee had held a hearing on a proposed amendment to SB 119, which would establish a business receipts tax. However, this subject matter is now being placed in HB 40, which has been admitted by the Rules Committee. Vote 17-0. Rep. Robert C. Hayes for Ways and Means.

**SB 181-FN**, relative to the number of winner take all bingo games allowed on one game date. **OUGHT TO PASS WITH AMENDMENT.**

In addition to increasing from two to four the number of winner take all bingo games, this bill increases license fees for distributors of Lucky 7 tickets. The estimated new revenue of \$245,500 in FY 92 and \$470,000 in FY 93 will be distributed to local school districts as Foundation Aid. The amendment, which was requested by the Governor, sets up a Committee to evaluate whether statutes relating to Las Vegas nights need to be tightened up in view of the proliferation of these types of events. Vote 17-0. Rep. Donna P. Sytek for Ways and Means.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the number of winner take all bingo games allowed  
on one game date and establishing a committee to  
study certain gambling events.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

#### **5 Committee Established.**

I. There is hereby established a 9-member committee, consisting of 2 members of the senate, appointed by the president of the senate; 2 members of the house of representatives, appointed by the speaker of the house of representatives; one member from the department of safety, appointed by the commissioner of safety; the executive director of the sweepstakes commission; one member from the department of justice, appointed by the attorney general; and 2 members from the general public, appointed by the governor. The committee shall elect a chairman from among its membership.

II. The committee's study shall include, but not be limited to, Monte Carlo nights and Las Vegas nights; whether or not the current statutes relative to these activities need further changes; and any other matters relative to these activities that may be of concern to the committee.

III. The committee members shall serve without compensation, but the legislative members shall receive legislative mileage.

IV. The committee shall report its findings and recommendations for legislation to the president of the senate, the speaker of the house of representatives, and the governor, on or before November 1, 1991.

#### **AMENDED ANALYSIS**

This bill increases from 2 to 4 the number of winner take all bingo games which a charitable organization may conduct on any one game date in which the total amount paid by the players is divided among the winners of that game, after the payment of a 7 percent state tax on the winnings.

This bill increases various license application fees relative to the operation of bingo and lucky 7 games.

The bill also establishes a committee to study certain gambling events.

Rep. Ferlan wished to be recorded in opposition to Sections 1 through 4 of the bill but in favor of Section 5.

**REGULAR CALENDAR**

**HB 785-FN-A**, relative to the state's purchase and renovation of land and buildings in the capitol area government center and making an appropriation therefor. **OUGHT TO PASS.**

This bill authorizes the Department of Administrative Services to acquire and renovate land and buildings of New Hampshire Savings Bank with a cap of five million dollars. It authorizes the Treasurer to issue the necessary bonds and notes. It also establishes a committee to study future utilization of the property. The act takes effect July 1, 1991. Vote 11-6. Rep. Channing T. Brown for Appropriations.

Rep. Laughlin spoke against.

Rep. Welch offered a floor amendment.

**Floor Amendment**

Amend the bill by replacing section 2 with the following:

2 Department of Administrative Services; Capitol Area Government Center; Appropriation. A sum not exceeding \$5,000,000 for the fiscal year ending June 30, 1992, is hereby appropriated to the department of administrative services for the sole purpose of acquiring, renovating, and rehabilitating land and buildings suitable for general office space in the capitol area government center. Within the limits of the appropriated amount, the department of administrative services is authorized to negotiate the purchase of such land and buildings. Prior to occupancy of such land or buildings, the state of New Hampshire shall discontinue renting other office space, the square footage of which shall be equal to the amount to be occupied by the state in such land or buildings. Such purchase agreement may include an arrangement for leasing back a portion of the land or buildings acquired to the seller. Plans for the acquisition, renovation, rehabilitation and occupancy of any land or buildings to which this section is applicable shall receive prior approval from the governor and council and the joint committee on legislative facilities. After expenditures are approved by the governor and council and the joint committee on legislative facilities, the resulting contracts shall receive such review and approval as required by state law. This appropriation shall be nonlapsing and is in addition to any other funds appropriated to the department of administrative services.

Rep. Welch spoke in favor and yielded to questions.

Rep. Trombly spoke against the bill.

Rep. Gross spoke against the amendment and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 55**

**NAYS 299**

**YEAS 55**  
**BELKNAP**

Accornero, Harry  
Zaharchuk, Peter J., Jr.

Maviglio, Steven R.

Rosen, Ralph J.

**CARROLL**

Bradley, Jeb E.

Daly, Robert J., Jr.

**CHESHIRE**

Laurent, John J.

**COOS**

None



**GRAFTON**

Adams, Carl S.

Dow, David

Teschner, Douglass P.

**HILLSBOROUGH**

Baker, George H., Sr.

Buckley, Raymond

Cook, Valerie S.

Daniels, Gary L.

Domaingue, Jacquelyn M.

Elliott, Larry G.

Ferlan, Arthur P.

Green, Scott E.

Greenglass, Alan B.

Hultgren, David D.

Janas, Gregory

Kurk, Neal M.

Lawrence, Eva M.

Lawrence, Norman B.

Martin, Mary Ellen

Ouellette, Robert O.

Packard, Bonnie B.

Riley, Frances L.

Turgeon, Roland M.

Wheeler, David K.

Wheeler, Robert L.

**MERRIMACK**

Anderson, Eleanor M.

Barberia, Richard A.

Christie, Thomas J.

Jelley, Francis D.

Smith, Gerald R.

**ROCKINGHAM**

Brown, Jeffrey M.

Chulack, Peter G., Sr.

Coffey, John J.

Hurst, Sharleene P.

Hutchinson, Karen K.

Keith, Brenda E.

Lovejoy, Virginia K.

Malcolm, Kenneth W.

McCain, William F.

McKinney, Betsy

Palazzo, Frank J.

Roulston, Donald L.

Warburton, Calvin

Welch, David A.

**STRAFFORD**

Jankowski, Peter M.

Marston, Robert E.

**SULLIVAN**

Allison, David C.

Peyron, Fredrik

Tetu, Michael A.

**NAYS 299****BELKNAP**

Bartlett, Gordon E.

Cain, Thomas G.

Campbell, Richard H., Jr.

Dewhirst, Glenn E.

Hawkins, Robert S.

Holbrook, Robert G.

Johnson, Carl R.

Joscelyn, William W.

Rice, Thomas E. P., Jr.

Shibley, Arnold P.

Turner, Robert H.

Vogler, Charles C.

Ziegra, Alice S.

**CARROLL**

Beach, Mildred A.

Chandler, Gene G.

Dickinson, Howard C.

Dodge, A. Gibb, Jr.

Foster, Robert W.

Saunders, Howard N.

Wiggin, Allen R.

Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.

Champagne, Richard L.

Clark, Eugene W.

Cole, Kenneth A.

Cole, Stacey W.

Crutchley, Donald O.

DePecol, Benjamin J.

Doucette, Richard F.

Feuer, Joseph N.

Foster, Katherine D.

Grodin, Richard A.

Hogan, James B.

Hunt, John B.

Kennison, Wayne A.

Kingsbury, H. Thayer

LaMar, David M.

Lynch, Margaret A.

Metzger, Katherine H.

Morse, Jo Ann T.

Pearson, Gertrude B.

Perry, David M.

Pratt, Irene A.

Riley, William A.

Sawyer, Alfred P.

Spear, Susan S.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Pratt, Leighton C.

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.  
Theriault, Romeo J.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

**GRAFTON**

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Whitcomb, Henry F., Jr.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
Markley, J. Keith  
Scanlan, David M.  
Wadsworth, Karen O.  
White, Paul R.

Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
McIlwaine, Deborah P.  
Shackett, Ralph E.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Clemons, Jane A.  
Crotty, Edward J.  
Desrosiers, William J.  
Drolet, Paul L.  
Dyer, Merton S.  
Ferguson, Charles  
Gage, Ruth E.  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Jean, Romeo W.  
Keane, Cornelius J.  
King, Frank P.  
Larochelle, Roger B.  
Lefebvre, Roland J.  
Mason, Howard F.  
McNerney, Daniel P.  
Messier, Irene M.  
Nardi, Theodora P.  
Pepino, Leo P.  
Pignatelli, Debora B.  
Rheault, Lillian I.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Stiles, Walter A.  
Upton, Barbara A.

Alukonis, David J.  
Arnold, Barbara E.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cote, David E.  
Daigle, Robert A.  
Donovan, Francis X.  
Durham, Susan B.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Goulet, Maurice E.  
Hanselman, Gregory L.  
Holden, Carol H.  
Johnson, Lionel W.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Perham, Lester R.  
Record, Alice B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Soucy, Donna M.  
Tarpley, Nancy L.  
Vanderlosk, Stanley R.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Fenton, James J.  
Ford, Nancy M.  
Gagnon, Gabrielle V.  
Gureckis, Adam C., Sr.  
Healy, Daniel J.  
Jasper, Shawn N.  
Jordan, Mary H.  
Kelley, Robert N.  
Lachut, Ervin R.  
Leclerc, Charles J.  
Lozeau, Donnalee M.  
McDowell, James E.  
Mercer, Robert S.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Peters, Stanley W.  
Reidy, Frank J.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Steiner, Lee Anne  
Tate, Joan C.  
White, John M.

**MERRIMACK**

|                       |                     |                     |
|-----------------------|---------------------|---------------------|
| Apple, Lowell D.      | Boucher, Laurent J. | Braiterman, Thea    |
| Carter, Susan D.      | Chandler, Earle W.  | Chandler, John P.   |
| Daneault, Gabriel J.  | Dunn, Miriam D.     | Fair, Patricia A.   |
| Fillion, Paul R.      | Gross, Caroline L.  | Hager, Elizabeth S. |
| Hayes, Robert C.      | Hill, Michael J.    | Jacobson, Alf E.    |
| Johnson, C. William   | Johnson, Joyce M.   | Kidder, William F.  |
| Letourneau, George E. | Lewis, Mary Ann     | Lockwood, Robert A. |
| Millard, Elizabeth S. | Molner, Mary E.     | Nichols, Avis B.    |
| Soldati, Jennifer G.  | Stapleton, Henry F. | Stio, Peter M.      |
| Trombly, Rick A.      | Wallner, Mary Jane  | Weeks, John F., Jr. |
| Yeaton, Charles B.    |                     |                     |

**ROCKINGHAM**

|                        |                        |                         |
|------------------------|------------------------|-------------------------|
| Barnes, John S., Jr.   | Bell, Juanita L.       | Benton, Richardson D.   |
| Boucher, William P.    | Buco, Stephen W.       | Campbell, Marilyn R.    |
| Caswell, Albert, Jr.   | Christie, Andrew, Jr.  | Clark, Martha Fuller    |
| Connell, David R.      | Conroy, Janet M.       | Cooke, Annette M.       |
| Cote, Patricia L.      | DiPietro, Carmela M.   | Dowd, Sandra K.         |
| Dowling, Patricia A.   | Drake, Herbert R.      | Dube, LeRoy S.          |
| Felch, Charles H., Sr. | Flanagan, Natalie S.   | Flanders, David A.      |
| Flanders, John W., Sr. | Ford, Bert H.          | Greene, Elizabeth A.    |
| Griebsch, Linda        | Haynes, Richard        | Hoar, John, Jr.         |
| Hoelzel, Kathleen M.   | Hynes, Carolyn E.      | Johnson, Robert A.      |
| Kane, Cecelia D.       | Katsakiores, George N. | Klemarczyk, Thaddeus E. |
| Klemm, Arthur P., Jr.  | MacDonald, Joseph A.   | MacKinnon, Nancy W.     |
| Magoon, Harold F.      | McCarthy, John J., Jr. | McGovern, Cynthia A.    |
| Packard, Sherman A.    | Pantelakos, Laura C.   | Raynowska, Bernard J.   |
| Rosencrantz, James R.  | Rubin, George R.       | Schanda, Joseph, Sr.    |
| Senter, Marilyn P.     | Seward, Russell G.     | Simon, Peter M.         |
| Skinner, Patricia M.   | Syracusa, Anthony      | Sytek, Donna P.         |
| Sytek, John J.         | Terninko, Margaret B.  | Thayer, Leroy C.        |
| Tufts, Arthur          | Vaughn, Charles L.     | Woods, Deborah L.       |

**STRAFFORD**

|                       |                       |                     |
|-----------------------|-----------------------|---------------------|
| Appleby, James E.     | Bickford, Drucilla    | Brown, Julie M.     |
| Corte, Arthur B.      | Douglass, Clyde J.    | Flynn, Edward J.    |
| Foss, Patricia H.     | Frechette, Roland A.  | Gilmore, Gary R.    |
| Hambrick, Patricia A. | Hashem, Elaine M.     | Keans, Sandra B.    |
| Kincaid, William K.   | Martling, W. Kent     | Merrill, Amanda A.  |
| Musler, George T.     | Nehring, William H.   | O'Brien, John       |
| Pageotte, Donald P.   | Parks, Joe B.         | Pelley, Janet R.    |
| Spencer, Leo J.       | Sullivan, Henry P.    | Swope, Warren L.    |
| Torr, Ann M.          | Tsiros, William       | Vincent, Francis C. |
| Wall, Janet G.        | Wheeler, Katherine W. | Young, John B.      |

**SULLIVAN**

|                       |                     |                    |
|-----------------------|---------------------|--------------------|
| Behrens, Thomas A.    | Burling, Peter Hoe  | Domini, Irene C.   |
| Krueger, Richard H.   | Lindblade, Eric N.  | Middleton, John A. |
| Rodeschin, Beverly T. | Schotanus, Merle W. |                    |

and the floor amendment lost.

Reps. Douglas Hall and Teague abstained from voting under Rule 16.

Rep. Nardi spoke against the Committee report.

Rep. LaMott spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the Committee report.

### YEAS 208

Bartlett, Gordon E.  
Hawkins, Robert S.  
Vogler, Charles C.

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Champagne, Richard L.  
Feuer, Joseph N.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Perry, David M.

Brungot, Catherine V.  
Horton, Lynn C.  
Merrill, Gerald P.

Arnesen, Deborah L.  
Brown, Patricia B.  
Driscoll, William J.  
Lougee, Richard W.  
Scanlan, David M.  
Teschner, Douglass P.  
Whitcomb, Henry F., Jr.

Ahrens, Frederick G.  
Andrews, Frederick B.  
Burke, Stephen J.  
Desrochers, Gerard T.  
Dyer, Merton S.  
Ferguson, Charles  
Gagnon, Eugene L.  
Haettenschwiller, Alphonse  
Jasper, Shawn N.  
Kelley, Robert N.  
Lefebvre, Roland J.  
McCann, Bonnie Lou

Cain, Thomas G.  
Holbrook, Robert G.  
Ziegra, Alice S.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.  
Wiggin, Gordon E.

Cole, Stacey W.  
Grodin, Richard A.  
LaMar, David M.  
Morse, Jo Ann T.  
Riley, William A.

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Nelson, Harold D.

Bean, Pamela B.  
Christy, C. Dana  
Hill, Richard L.  
Markley, J. Keith  
Shackett, Ralph E.  
Wadsworth, Karen O.  
White, Paul R.

### HILLSBOROUGH

Alukonis, David J.  
Arnold, Barbara E.  
Chasse, Richard D.  
Desrosiers, William J.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Greenglass, Alan B.  
Healy, Daniel J.  
Keane, Cornelius J.  
Kurk, Neal M.  
Lown, Elizabeth D.  
McNerney, Daniel P.

### NAYS 146

Campbell, Richard H., Jr.  
Turner, Robert H.

Chandler, Gene G.  
Foster, Robert W.

Crutchley, Donald O.  
Hunt, John B.  
Laurent, John J.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Guay, Lawrence J.  
Marsh, Beaton  
Pratt, Leighton C.

Brown, Channing T.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Ward, Kathleen W.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Durham, Susan B.  
Fenton, James J.  
Ford, Nancy M.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Kelley, Dana F.  
Lawrence, Eva M.  
Mason, Howard F.  
McRae, Karen K.



Mercer, Robert S.  
Packard, Bonnie B.  
Pignatelli, Debora B.  
Rheault, Lillian I.  
Sallada, Roland A.  
Steiner, Lee Anne  
Tate, Joan C.  
Wheeler, Robert L.

Messier, Irene M.  
Perham, Lester R.  
Record, Alice B.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Turgeon, Roland M.

Moore, Elizabeth A.  
Peters, Stanley W.  
Reidy, Frank J.  
Rodgers, G. Philip  
Smith, Leonard A.  
Tarpley, Nancy L.  
Vanderlosk, Stanley R.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Fillion, Paul R.  
Hill, Michael J.  
Johnson, C. William  
Lockwood, Robert A.  
Soldati, Jennifer G.  
Weeks, John F., Jr.

Barberia, Richard A.  
Chandler, Earle W.  
Gross, Caroline L.  
Jacobson, Alf E.  
Kidder, William F.  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Yeaton, Charles B.

Boucher, Laurent J.  
Chandler, John P.  
Hayes, Robert C.  
Jelley, Francis D.  
Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Coffey, John J.  
Cooke, Annette M.  
Drake, Herbert R.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Klemm, Arthur P., Jr.  
McKinney, Betsy  
Rubin, George R.  
Simon, Peter M.  
Sytek, Donna P.  
Tufts, Arthur

Benton, Richardson D.  
Caswell, Albert, Jr.  
Connell, David R.  
Cote, Patricia L.  
Felch, Charles H., Sr.  
Greene, Elizabeth A.  
Johnson, Robert A.  
Magoon, Harold F.  
Pantelakos, Laura C.  
Senter, Marilyn P.  
Skinner, Patricia M.  
Sytek, John J.  
Welch, David A.

Boucher, William P.  
Christie, Andrew, Jr.  
Conroy, Janet M.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Haynes, Richard  
Katsakiores, George N.  
McCain, William F.  
Raynowska, Bernard J.  
Seward, Russell G.  
Syracusa, Anthony  
Thayer, Leroy C.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Foss, Patricia H.  
Kincaid, William K.  
Musler, George T.  
Sullivan, Henry P.  
Tsiros, William  
Young, John B.

Bickford, Drucilla  
Douglass, Clyde J.  
Frechette, Roland A.  
Marston, Robert E.  
Nehring, William H.  
Swope, Warren L.  
Vincent, Francis C.

Brown, Julie M.  
Flynn, Edward J.  
Gilmore, Gary R.  
Martling, W. Kent  
Parks, Joe B.  
Torr, Ann M.  
Wall, Janet G.

### SULLIVAN

Behrens, Thomas A.  
Middleton, John A.  
Schotanus, Merle W.

Domini, Irene C.  
Peyron, Fredrik

Krueger, Richard H.  
Rodeschin, Beverly T.

### NAYS 146 BELKNAP

Accornero, Harry  
Joscelyn, William W.  
Rosen, Ralph J.

Dewhirst, Glenn E.  
Maviglio, Steven R.  
Shibley, Arnold P.

Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Zaharchuk, Peter J., Jr.

### CARROLL

Daly, Robert J., Jr.

Wiggin, Allen R.

### CHESHIRE

Burnham, Daniel M.  
DePecol, Benjamin J.  
Hogan, James B.  
Pratt, Irene A.

Clark, Eugene W.  
Doucette, Richard F.  
Kennison, Wayne A.  
Spear, Susan S.

Cole, Kenneth A.  
Foster, Katherine D.  
Lynch, Margaret A.

### COOS

Coulombe, Henry W.  
Oliver, Terry D.

Hawkinson, Marie C.  
Theriault, Romeo J.

Mayhew, Josephine

### GRAFTON

Adams, Carl S.  
Guest, Robert H.

Chambers, Mary P.  
Larson, Nils H., Jr.

Dow, David  
McIlwaine, Deborah P.

### HILLSBOROUGH

Baker, George H., Sr.  
Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Ferland, Arthur P.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Janas, Gregory  
Jordan, Mary H.  
Lachut, Ervin R.  
Lawrence, Norman B.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Rothhaus, Finlay C.  
Wheeler, David K.

Baldizar, Barbara J.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Gage, Ruth E.  
Goulet, Maurice E.  
Healy, Walter F.  
Jean, Romeo W.  
King, Frank P.  
Larochelle, Roger B.  
Leclerc, Charles J.  
McDowell, James E.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Soucy, Donna M.  
White, John M.

Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Cote, David E.  
Daniels, Gary L.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Gagnon, Gabrielle V.  
Green, Scott E.  
Hultgren, David D.  
Johnson, Lionel W.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
Murphy, Robert E.  
Ouellette, Robert O.  
Riley, Frances L.  
Upton, Barbara A.

### MERRIMACK

Anderson, Eleanor M.  
Daneault, Gabriel J.  
Hager, Elizabeth S.  
Molner, Mary E.  
Wallner, Mary Jane

Braiterman, Thea  
Dunn, Miriam D.  
Johnson, Joyce M.  
Smith, Gerald R.

Christie, Thomas J.  
Fair, Patricia A.  
Letourneau, George E.  
Trombly, Rick A.

**ROCKINGHAM**

|                        |                        |                         |
|------------------------|------------------------|-------------------------|
| Bell, Juanita L.       | Brown, Jeffrey M.      | Buco, Stephen W.        |
| Chulack, Peter G., Sr. | Clark, Martha Fuller   | DiPietro, Carmela M.    |
| Dowling, Patricia A.   | Dube, LeRoy S.         | Flanders, David A.      |
| Ford, Bert H.          | Griebsch, Linda        | Hoelzel, Kathleen M.    |
| Hurst, Sharleene P.    | Hutchinson, Karen K.   | Hynes, Carolyn E.       |
| Kane, Cecelia D.       | Keith, Brenda E.       | Klemarczyk, Thaddeus E. |
| Lovejoy, Virginia K.   | MacDonald, Joseph A.   | MacKinnon, Nancy W.     |
| Malcolm, Kenneth W.    | McCarthy, John J., Jr. | McGovern, Cynthia A.    |
| Packard, Sherman A.    | Palazzo, Frank J.      | Rosencrantz, James R.   |
| Roulston, Donald L.    | Schanda, Joseph, Sr.   | Terninko, Margaret B.   |
| Vaughn, Charles L.     | Warburton, Calvin      | Woods, Deborah L.       |

**STRAFFORD**

|                       |                    |                     |
|-----------------------|--------------------|---------------------|
| Hambrick, Patricia A. | Hashem, Elaine M.  | Jankowski, Peter M. |
| Keans, Sandra B.      | Merrill, Amanda A. | O'Brien, John       |
| Pageotte, Donald P.   | Pelley, Janet R.   | Spencer, Leo J.     |
| Wheeler, Katherine W. |                    |                     |

**SULLIVAN**

|                   |                    |                    |
|-------------------|--------------------|--------------------|
| Allison, David C. | Burling, Peter Hoe | Lindblade, Eric N. |
| Tetu, Michael A.  |                    |                    |

and the bill was ordered to third reading.

Reps. Douglas Hall and Teague abstained from voting under Rule 16.

**SB 129-FN**, establishing a study committee on sale and distribution of cigarettes. **INEXPEDIENT TO LEGISLATE.**

This bill is somewhat vague as to what perceived problems the proposed study committee would be charged with solving. Specific problems, if there are any, should be addressed through specific legislation. The issues raised do not require us to create another study committee. Vote 15-1. Rep. Donna P. Sytek for Ways and Means.

Rep. Perham moved that SB 129 be made a Special Order for May 29, spoke in favor and yielded to questions.

Rep. Maviglio spoke against and yielded to questions.

Rep. Gross spoke in favor and yielded to questions.

Rep. Jacobson spoke against.

On a division vote 144 members having voted in the affirmative and 206 in the negative, the motion to Special Order failed.

Adopted.

**SB 213-FN-A**, relative to the distribution of meals and rooms tax revenue. **INEXPEDIENT TO LEGISLATE.**

At first and second blush, this bill received serious consideration because it does address the revenue problem of local government. However, it assumes that future economic conditions will be favorable enough that the state can divert tax collections to local government. The Committee felt this was too uncertain an assumption on which to base such a change in tax revenue distribution. Vote 13-5. Rep. David M. LaMar for Ways and Means.

Rep. Donna Sytek moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. LaMott spoke in favor.

Rep. O'Rourke spoke in favor.

Adopted.

The Rules Committee offered the following:

**HR 23.** Amending House Rules as prescribed by House Resolution No. 1 Rule 34(c)

Amend the House Rules by inserting after 34(c) the following:

Introduction of Bills in the Second-year Session

34(d)

1. *JULY 1, 1991* - Deadline for publication by the House Clerk of certain first-year session bill titles.

The House Clerk shall publish lists of all bills which have been killed or re-referred in the first-year session, and all bills passed in the first-year session which created study committees due to report by November 1, 1991.

Publication shall be in the House Calendar. The listings shall be both in numerical order by bill number/title, and by subject by bill number/title.

2. *SEPTEMBER 3, 1991* - First day that requests for drafting of bills, including all supplementary or necessary drafting information for introduction in the second-year session may be filed with the Office of Legislative Services.

The Office of Legislative Services shall identify LSRs in language which makes clear the intent of the bill. LSRs, with the name(s) of the sponsor(s), shall be published by the Office of Legislative Services in the House Calendar.

The Speaker of the House shall adjudicate any disagreement concerning the publication of LSRs that may arise between bill sponsors and the Office of Legislative Services.

A request shall not be accepted to draft any bill which is the same, or essentially the same, as any bill killed or re-referred in the first-year session unless approved for drafting and introduction by a majority vote of the House Rules Committee or a two-thirds vote of the House.

A request shall not be accepted to draft any bill which is the same, or essentially the same, as any other drafting request already accepted by the Office of Legislative Services for introduction in the second-year session, unless approved for drafting and introduction by a majority vote of the House Rules Committee or by a two-thirds vote of the House.

However, the name of the House member whose LSR request was denied due to duplication may be substituted on request for that of the original sponsor should the original sponsor withdraw his/her drafting request prior to the deadline for sign-off of the bill.

3. *SEPTEMBER 16, 1991* - Final day to file state-agency bill-drafting requests.

4. *OCTOBER 1, 1991* - Final day to file bill-drafting requests for all other bills.

5. *OCTOBER 15, 1991* - The final day to sign off all agency bills shall be 10 calendar days after receipt by the sponsor of the draft legislation from OLS, or October 15th, whichever day is earlier.

6. *NOVEMBER 10, 1991* - Final day for sign off of study committee bills shall be 10 calendar days after receipt by the sponsor of the draft legislation from OLS, or November 10th, whichever day is earlier.



7. *NOVEMBER 15, 1991* - The final day to sign off all bills requiring fiscal notes (FNs) shall be 10 calendar days after receipt by the sponsor of the draft legislation, or November 15th, whichever day is earlier.

8. *NOVEMBER 22, 1991* - The final day to sign off all other bills shall be 10 calendar days after receipt by the sponsor of the draft legislation, or November 22nd, whichever day is earlier.

9. *DECEMBER 16, 1991* - Final day for the publication of all bills

Rep. Michael Hill spoke in favor and yielded to questions.

Adopted.

### RESOLUTION

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 29, 1991 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 181-FN**, relative to the number of winner take all bingo games allowed on one game date.

**HB 785-FN-A**, relative to the state's purchase and renovation of land and buildings in the capitol area government center and make an appropriation therefor.

### CONFEREE CHANGE

**HB 325-FN**, Rep. Gerald Smith replaces Rep. Kinney.

Rep. Michael Hill moved that the House adjourn.

Adopted.

The House adjourned at 3:20 p.m.

**HOUSE JOURNAL No. 26**

Wednesday, May 29, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by the member from Raymond, the Reverend Calvin Warburton.

Almighty God, this has been a rough session. We are nearing the end hopefully, but we do not know what the end product will be. We need and ask for Your support in attaining our goals of operating within our income and providing needed services. God Bless us all. Amen.

Rep. Felch led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Feuerstein, Splaine, Parr and Thayer, the day, illness.

Reps. McNeerney, Gilbreth, Trelfa, David Young (military service), Flint, Frechette, Allen Wiggin, Sandra Dowd, Annette Cooke, Eugene Clark, Krueger, Melnick, Golden, Nordgren, Harland, Gerard Desrochers, Brenda Keith, Soldati, David Flanders, Asplund, Bean, Roulston, Bradley, Bucu, Teschner, Elliott, Dunn, Markley and Whittemore, the day, important business.

Reps. Wright and Allison, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Students of Hill kindergarten and their teachers Mrs. Barbour, Burly, Murray and Chandler, guests of Rep. John Chandler, Ann Marie Connor, guest of Rep. Fair, Ben Pignatelli and the 4th grade class from Bicentennial School in Nashua and their teachers Mrs. Heye and Dreyer, guests of Reps. Pignatelli, Bonnie Lou McCann and Steven Burke, Jean Nelson, wife of Rep. Nelson, Ethel Appleby, wife of Rep. Appleby.

**ENROLLED BILLS REPORT**

**HB 276-FN**, relative to the task force establishing voluntary agreements reducing and recycling the solid waste stream and the duties of the commissioner of environmental services.

**HB 349**, relative to the charter of the New Hampshire Centennial Home for the Aged.

**HB 434**, relative to the procedure for planning boards to revoke approval of recorded plats.

**HB 485**, relative to living wills.

**HB 660-FN-A**, establishing a highway and bridge betterment program and continually appropriating the highway and bridge betterment account.

**HB 754-FN**, relative to the duties of the secretary of state, the election laws, and certain miscellaneous statutes.

**SB 10-FN**, establishing a study committee on bonuses for veterans who served during the Persian Gulf Crisis.

Rep. Dunn for the Committee

**SENATE MESSAGES****CONCURRENCE**

**HB 299-FN**, relative to the posting of statements in liquor stores and establishments selling beverages and liquors.

**HB 327-FN**, relative to the disposal of state-owned real estate.

**HB 680-FN**, relative to manufactured housing on the land of another.

**HB 768-FN**, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefits.

### NONCONCURRENCE

**HB 298-FN**, lowering the level from .10 to .08 for legal intoxication under the DWI laws.

### ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE

**HB 171-FN**, relative to maintaining the "Old Man of the Mountain."

The President appointed Sens. W. King, Oleson and Fraser.

**HB 328-A**, relative to a new Manchester district court facility and making an appropriation therefor.

The President appointed Sens. Nelson, J. King and Podles.

**HB 523-FN**, relative to local cease and desist orders for zoning, planning and code violations.

The President appointed Sens. Currier, Colantuono and J. King.

**HB 532-FN**, relative to the color of ballots used in municipal elections.

The President appointed Sens. Bass, Roberge and Cohen.

**HB 577**, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board.

The President appointed Sens. Currier, Colantuono and Cohen.

**HB 581**, relative to personal property of tenants.

The President appointed Sens. Currier, Humphrey and Pressly.

**HB 603-FN**, to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts.

The President appointed Sens. Currier, Fraser and Cohen.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 35-A**, making appropriations for capital improvements. (Amendment printed SJ 29, 5/29/91)

Rep. Gene Chandler moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Marsh, Oliver and LaMott

**HB 62-FN**, relative to retirement allowances under the New Hampshire retirement system. (Amendment printed SJ 27, 5/21/91)

Rep. Kidder moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Ward, Robert Wheeler, Shibley and Pelley.

**HB 136-FN**, relative to current use assessments and the land use change tax. (Amendment printed SJ 29, 5/29/91)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

**HB 143-FN**, relative to the liquor commission's authority to close liquor stores. (Amendment printed SJ 29, 5/29/91)

Rep. Robert Kelley moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Robert Kelley, Larson, Flynn and Channing Brown.

**HB 193-FN**, authorizing the state to enter into a lease purchase agreement with the town of Milford for a new district courthouse. (Amendment printed SJ 27, 5/21/91)

Rep. Gene Chandler moved that the House concur.

Adopted.

**HB 322**, relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes. (Amendment printed SJ 29, 5/29/91)

Rep. Donna Sytek moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Donna Sytek, Cowenhoven, Hayes and LaMar.

**HB 334-FN**, relative to the establishment of agency liquor stores. (Amendment printed SJ 29, 5/29/91)

Rep. Robert Kelley moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Behrens, William Desrosiers, McKinney and Reidy.

**HB 451-FN**, relative to the licensing of residential care and health facilities. (Amendment printed SJ 27, 5/21/91)

Rep. Robert Foster moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Robert Foster, Katherine Wheeler, Ziegler and Holmes.

**HB 502-FN-A**, relative to child care resource and referral systems and making an appropriation therefor. (Amendment printed SJ 29, 5/29/91)

Rep. McCain moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. McCain, Robinson, Gagnon and Trombly.

**HB 784-FN**, creating a long-range construction program for New Hampshire's highways and bridges. (Amendment printed SJ 29, 5/29/91)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Rep. Gene Chandler, Marsh, Driscoll and Kilbride.

#### NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEES OF CONFERENCE

**SB 181-FN**, relative to the number of winner take all bingo games allowed on one game date and establishing a committee to study certain gambling events.

The President appointed Sens. McLane, Russman and Disnard.



Rep. Robert Kelley moved that the House accede.

Adopted.

The Speaker appointed Reps. Robert Kelley, Palazzo, Rosencrantz and Dana Kelley.

**SB 182-FN**, relative to the division of information services.

The President appointed Sens. Dupont, Delahunty and Nelson.

Rep. Kidder moved that the House accede.

Adopted.

The Speaker appointed Reps. Ward, Goulet, Douglas Hall and Pelley.

**SB 183-FN**, relative to the Lamprey Regional Solid Waste Cooperative.

The President appointed Sens. Dupont, Shaheen and W. King.

Rep. Elizabeth Greene moved that the House accede.

Adopted.

The Speaker appointed Reps. Elizabeth Greene, Scanlan, Terninko and Hanselman.

**SB 208-FN**, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents.

The President appointed Sens. McLane, Russman and Hollingworth.

Rep. Donna Sytek moved that the House accede.

Adopted.

The Speaker appointed Reps. Donna Sytek, Earle Chandler, Saunders and Gureckis.

### MOTION

Reps. Gross and Chambers moved that, in the absence of the House until the next session day, the House vote to request committees of conference on House Bills amended and passed by the Senate and to accede to Senate requests for committees of conference on Senate bills amended and passed by the House.

Adopted.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 5, 1991 at 1:00 p.m.

Adopted.

### (Speaker Burns in the Chair)

Rep. Ann Torr moved that the House stand in recess for the purpose of Enrolled Bill Reports and Requests for Committees of Conference only.

Adopted.

The House recessed at 2:40 p.m.

### RECESS

**REQUESTS CONCURRENCE WITH AMENDMENTS**

As per the adoption of the motion by Reps. Gross and Chambers, Committees of Conference were automatically requested on the following bills:

**HB 25-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993. (Amendment printed SJ 29, 5/29/91)

The Speaker appointed Reps. Gross, Hager, Channing Brown, Douglas Hall and Chambers. Alternates: Reps. Burns, Schotanus and Donna Sytek.

**HB 64-FN-A**, relative to establishing a tax on nuclear station property and making an appropriation therefor. (Amendment printed SJ 29, 5/29/91)

The Speaker appointed Reps. Donna Sytek, Hayes, Ahrens and LaMar.

**HB 65-FN-A**, relative to administration and enforcement of the securities laws, state employee benefits and state fees, funds, revenues and expenditures. (Amendment printed SJ 29, 5/29/91)

The Speaker appointed Reps. Gross, Hager, Channing Brown and Chambers.

**HB 146-FN-A**, relative to the rate of the business profits tax. (Amendment printed SJ 29, 5/29/91)

The Speaker appointed Reps. Donna Sytek, Hayes, Ahrens and LaMar.

**HB 189**, relative to the rulemaking authority of the director of the office of securities regulation. (Amendment printed SJ 29, 5/29/91)

The Speaker appointed Reps. Gross, Hager, Channing Brown and Chambers.

**HB 353-FN-A**, to tax smokeless tobacco and making an appropriation therefor. (Amendment printed SJ 29, 5/29/91)

**HB 378-FN-A**, relative to determining reasonable compensation under the business profits tax. (Amendment printed SJ 29, 5/29/91)

The Speaker appointed Reps. Donna Sytek, Hayes, Ahrens and LaMar.

**HB 390**, relative to technical corrections in the liquor laws. (Amendment printed SJ 29, 5/29/91)

The Speaker appointed Reps. Gross, Behrens, Klemm and Hynes.

**HB 488-FN**, relative to the flexible spending programs.

The Speaker appointed Reps. Ward, Shibley, Robert Wheeler and Pelley.

**HB 627-FN**, relative to the treatment of repeat DWI offenders. (Amendment printed SJ 20, 4/30/91)

The Speaker appointed Reps. Lozeau, Martling, Hultgren and David Cote.

**HB 669-FN**, relative to the borrowing authority of the state treasurer. (Amendment printed SJ 29, 5/29/91)

The Speaker appointed Reps. Gross, Hager, Channing Brown and Chambers.

**HB 700-FN**, relative to highway planning corridors. (Amendment printed SJ 29, 5/29/91)

**HB 727-FN**, relative to DWI testing, motor vehicle records fees, and commercial driver licenses. (Amendment printed SJ 29, 5/29/91)

RECESS

**(Rep. Ann Torr in the Chair)**

Their introduction having been approved by the Rules Committee, Rep. Gross moved that in accordance with the list in the possession of the Clerk, House Bills numbered 40 and 41, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 40-FN-A**, relative to a business receipts tax and making an appropriation therefor. (D. Sytek of Rockingham Dist. 20 - To Ways and Means)

**HB 41**, relative to setting the moose season. (Perham of Hillsborough Dist. 10; Drake of Rockingham Dist. 18 - To Fish and Game)

**CONFEREE CHANGE**

**HB 595**, relative to citations for building code and land use violations. Rep. Barnes replaces Rep. Golden.

**RECESS**

Rep. Skinner moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 27**

Wednesday, June 5, 1991

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Bernard J. Campbell from the Ministry for Persons with Disabilities.

Let us pray, Your ways, O Lord, make known to me; teach me Your paths, guide me in Your truth and teach me, for You are God my savior. Almighty and eternal God, You have revealed Your glory to all nations. God of power and might, wisdom and justice, through Your authority is rightly administered, laws are enacted, and judgment is decreed. Let the light of Your divine wisdom direct the deliberations of our New Hampshire State Legislature. Let Your wisdom and justice shine forth in all the proceedings and laws framed for our rule and government. May the members of the Legislature seek to preserve peace, promote the happiness of our State, and continue to bring us the blessing of liberty and equality. We thank You for the livelihood we enjoy as citizens of this State. We are grateful that our land is founded upon the rock of liberty and built with the hopes and dreams of rising generations in mind. We pray for His Excellency Judd Gregg, the governor of this fair state. We lift before You now Members of the Executive Council, Courts of Law, Elected Civil Officials, and all others, who are entrusted to guard our political welfare. We also commend to Your unbounded mercy all the citizens of New Hampshire. May we be blessed in the knowledge and sanctified in the observance of Your holy law. May we be preserved in union and that peace which the world cannot give; and after enjoying the blessing of this life, be admitted to those which are eternal. We pray to You, who are Lord and God, for ever and ever. Amen.

Rep. Lionel Johnson led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Parr, Splaine, Feuerstein, Griebisch and Elizabeth Greene, the day, illness.

Reps. David Young (military service), Allen Wiggin, Martling, Daniel Healy, Corte, Weyler (military service), Allison, Haettenschwiller, Harland, Arnold, Coffey, Palazzo and Jeffrey Brown, the day, important business.

Reps. A. Gibb Dodge, Nelson and Sullivan, the day, death in the family.

**INTRODUCTION OF GUESTS**

Barbara Spear, John Scruton, Peter, Ann, Ty, Tara and Caitlin Cosgrove, Geraldine and Ty Cosgrove, guests of Reps. Tsiros and Sullivan. Ruth White, mother of Rep. Pelley. Former representative Peter Zis, guest of Democratic House members. Dick Nordgren, Mr. and Mrs. Neil Huseh, husband and parents of Rep. Nordgren.

Lt. Cmdr Paul Smith of Goffstown addressed the House and presented copies of the GI issue of the Desert Storm Bible to the Speaker and the House Chaplain.



**COMMUNICATION**

May 29, 1991

James A. Chandler, Clerk, House of Representatives

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council at their meeting on this day:

Sullivan County District No. 9 (Claremont Wards 1-3; Unity)

Robert H. Porter, r, Claremont (RD 3, Box 503) 03743

Sincerely, Karen H. Ladd,  
Assistant Secretary of State

**COMMITTEE ASSIGNMENT**

The Speaker assigned Rep. Porter to the Committee on Commerce, Small Business and Consumer Affairs.

**HOUSE RESOLUTION NO. 24**

honoring Laurel Thatcher Ulrich

WHEREAS, in the Year of Our Lord, Nineteen Hundred and Ninety-One, the prestigious Pulitzer Prize in History was awarded to Laurel Thatcher Ulrich, a distinguished Associate Professor at the University of New Hampshire, and

WHEREAS, Laurel Thatcher Ulrich earned the Pulitzer Prize for her enlightening book entitled, *A Midwife's Tale: The Life Of Martha Ballard, Based On Her Diary 1785-1812*, which is the story of an 18th-century midwife in Maine, and

WHEREAS, the Pulitzer-Prize-winning book also earned Laurel Thatcher Ulrich the Bankroft Prize in American History, and the Joan Kelley Memorial Prize and the John Dunning Prize, both awarded by the American Historical Association, and

WHEREAS, in addition to being possessed of great literary talent, Laurel Thatcher Ulrich is an esteemed and accomplished teacher of history and humanities who joined the faculty at the University of New Hampshire in 1980 and in 1987 was named an Associate Professor with tenure, and

WHEREAS, Laurel Thatcher Ulrich is an erudite woman of high achievement, who has devoted herself to scholarly pursuits, and

WHEREAS, Laurel Thatcher Ulrich throughout her productive lifetime, has made innumerable friends, imparting to all her knowledge, warmth, felicity and charm, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Laurel Thatcher Ulrich, on this occasion, be recognized and saluted for her outstanding accomplishment of earning a Pulitzer Prize, and be it further

RESOLVED, that Laurel Thatcher Ulrich receive the highest of accolades for her literary contribution to the world of history, and that a suitable copy of this Resolution be prepared for presentation to her.

Adopted.

Professor Ulrich presented the Speaker with a signed copy of her book for the State Library.

**TREASURER'S REPORT**

The Sergeant-at-Arms introduced State Treasurer, Georgie A. Thomas, who addressed the House.

Mr. Speaker, members of the General Court, thank you for the invitation to address the House on some important questions surrounding debt management. Majority Leader Gross has asked me to cover three specific areas; that is:

1. What the current issue we're marketing represents and how this issue is viewed by the rating agencies.
2. What do the rating agencies think of New Hampshire and why.
3. What do the agencies think of the various bonding proposals currently under consideration.

The first topic is by far the simplest. The issue we presently intend to market before the end of the month is composed of the authorizations included in Chapter 4 of the laws of 1991, the 20 million dollars initially appropriated for the Land Conservation Investment Program in 1987 and \$4.2 million for the capital reserve account established in the same year. The balance, some 13.8 million dollars, is for previously authorized capital projects such as Department of Corrections Phase V, Equipment for Liquor Commission and Revenue Administration, and Ski operations for Department of Resources and Economic Development. Funds have been expended but these projects have yet to be bonded. In the post tax reform world, we seldom bond in anticipation of expenditures.

The rating agencies recognize the 24.2 million dollars of this issue for what it is; a restoration to surplus of capital items previously expended. The 13.8 million dollars is a normal borrowing which would have been funded through a bond anticipation note prior to our usual issuance in November or early December of capital improvement bonds.

Unfortunately the timing of this issue could be better. The issue itself occasions a review of the State at a time when a budget for the biennium is not in place and still very much under discussion. In addition, revenues have fallen below projections in March and April while May was saved by a timing difference, no doubt at the expense of June's results. However, we cannot postpone the issue. We must go to market by June 30 for cash flow reasons and to include the 24.2 million dollars in 1991 results as authorized in Chapter 4.

Now to the less obvious areas I've been asked to discuss. It's helpful to examine the rating agencies' view of New Hampshire in both an historical and technical context. Beginning with the technical, many of you have heard me mention the four ratios which play a significant part in the Rating Agencies' analysis. First, there is per capita debt or how much debt per person has the State issued. All the agencies agree that New Hampshire's debt load is manageable, moderate, or at the median. Second, we discuss debt to personal income. Like per capita debt, this is a measure of debt burden to wealth and ability to pay. Again the debt load is perceived to be manageable or moderate. Third, we have debt to estimated full value of the real property here in the State. It also is a wealth measure, but given the condition of the real estate sector it may not be viewed as accurate in this economic environment. Finally, the most important ratio is general fund debt service to general fund revenues. Without discussing absolute levels, through June 1990 all four ratios have been stable at relatively low levels for the past five years. However, the single most important factor in the credit analysis is the results of operations, which impacts most immediately and most directly the most important ratio, debt service to revenues.

Let's step back for a moment and review how the State arrived at its present rating. Many of you in this room lived through that period. Until March 1982, New Hampshire enjoyed a triple A rating when the State was downgraded to a double A. Successive operating deficits in fiscal years 1980 and 1981 combined with a generally negative economic climate certainly caused the re-evaluation of the State's credit worthiness. Continued perceived weakness through fiscal 1982 sent the rating to A1 in

July 1982, a precipitous decline in a very short period of time. The successive deficits resulted in several draconian measures being taken to bring fiscal operations into balance; expenditures were reduced, and taxes raised. New management tools such as the integrated financial system were introduced. And finally, in 1986, the legislature enacted the revenue stabilization reserve account, the "rainy day fund" effective July 1, 1987. These and subsequent actions which generated, at the minimum, a balanced budget, aided and abetted by a booming regional economy, enabled the State to climb by October of 1988 to AA1, AA+ credit rating; almost, but not quite, regaining the triple A.

To date we have managed to retain our rating. New Hampshire's willingness to act has earned us a great deal of credibility in the financial community at large in the face of an economic climate that is stagnant at best. Moody's Investors Service, the agency which lowered our rating in 1982, recognizes that the State has taken steps in three successive years to control a fiscal situation in which revenues continue to erode while expenditure demands continue to increase. Fitch Investors Service, a new Rating Agency name captained by a familiar face in Claire Cohen, cites remedial actions taken in the context of a severe regional economic downturn. Standard & Poor's ratings group views our debt burden as low, our tax burden as low, and our yearly deficits as relatively small. Further, New Hampshire's past willingness to provide the level of revenues necessary to meet the level of expenditures has enabled the State to retain its AA+ from Standard & Poor's. These, in Standard & Poor's view, are the plusses. On the negative side of the ledger the list is longer. And I quote:

1. Expenditures have exceeded revenues every year since 1987.
2. A fund balance deficit occurred in 1990 and 1991 and under some scenarios will occur again in 1992.
3. Short term borrowing in 1990 and 1991 (the first since 1984) will be necessary again in early 1992 and is likely to recur again in fiscal 1993 because of continuing cash weakness.
4. The "Rainy Day Fund" was depleted in fiscal 1990, with no likelihood of replenishment in the foreseeable future. The fund was a key factor in Standard & Poor's upgrade to AA+.
5. The budget for 1992-93, while not overly optimistic, relies on a significant improvement in BPT collections. This improvement is necessary just to break even.
6. The economic performance has been much weaker than expected and not likely to see any strong rebound for some time.

What does all this mean for our credit standing? Without 100 percent certainty, it appears that Fitch and Moody's may, only may, place New Hampshire's continuing efforts in a larger regional and comparative context, and with the passage of a balanced budget, keep the rating at its current levels. Standard & Poor's does not want to place us on their "credit watch" list and see the budget process fail (as they would define it) and be forced to downgrade immediately thereafter. Their requirements are quite clear. Enact a balanced budget with a positive fund balance for fiscal 1992, and start to restore the revenue stabilization account during fiscal 1993, without the use of fiscal sleight of hand.

To return to specifics and Representative Gross's third area for discussion, what do the agencies think of bonding (1) sewer grants and school building aid, (2) revenue sharing, and (3) deficit financing.

On the sewer grants and school building aid, the precedent exists in other states such as Connecticut and Michigan, and the argument can be made that both uses are

capital in nature (like the Land Trust and the capital reserve account). Standard & Poor's actually thought this might be a good idea as a one-shot measure, to be retired over the short term. Fitch stressed the need to make this a non-recurring event. Moody's expressed no direct opinion. I conclude that this borrowing would not by itself cast our credit rating in an unfavorable light.

The same cannot be said for the last two categories of borrowing. In fact, there are no differences between the two from a Rating Agency perspective. Both are borrowing to finance operations. In certain circumstances in the past, deficit financing occasionally was acceptable to credit analysts; i.e. did not result in a downgrade when the financings were part of a comprehensive financial plan that provided for fiscal balance primarily through ongoing revenue increases and spending cuts. Such was the case in Vermont in 1984 and West Virginia in 1989. Interestingly, it was Moody's, then led by Claire Cohen, who maintained the ratings. The circumstances under which a deficit financing might be acceptable include:

1. The borrowing is only one component of a comprehensive financial plan that relies ongoing revenue increases and expenditure cuts.
2. The amount of the borrowing is small relative to the revenue and expenditure components of the plan.
3. The term of the borrowing is relatively short but long enough so that debt service is manageable.
4. The economic environment is such that closing the gap with revenue increases alone would severely hamper economic recovery.
5. The gap is so large that the size of the expenditure reductions would prevent the government from providing essential services.

On the other hand many more states have been downgraded when deficit borrowing programs were instituted, ranging from Connecticut to Washington, and by both Moody's and Standard & Poor's.

Ongoing discussions with the rating agencies as recently as yesterday have elicited the following reactions:

Fitch (Claire Cohen in her new role) believes that scenarios exist where a deficit borrowing could be combined with other fiscal measures to clear past deficits.

Moody's focuses on how the overall deficit question is resolved on a permanent basis. If the deficit borrowing is a manifestation of the government's failure to deal with fiscal problems, such borrowing becomes a matter for "paramount concern," which is about as definitive as Moody's gets before the fact.

Standard & Poor's is much less equivocal. The agency does not like revenue anticipation notes even to balance out timing differences. To quote a letter received from them on June 4, "In response to your questions this afternoon, I can safely tell you that the rating committee at Standard & Poor's feels that the prospect of deficit financing by New Hampshire is not consistent with the high rating of "AA+" currently enjoyed by the State. As you know we have been concerned with the State's budget and financial trends, and deficit financing to solve them would likely result in a lowered credit rating. I can also say, with safety, that any issuer contemplating deficit financing as a "solution" to budget imbalance, is likely to put its rating at risk for a downgrade. One only has to look at your neighbors in Massachusetts and Connecticut for examples of our rating views for such proposals."

Lastly, why do we care? I have heard it expressed that the impact of a lower rating may be minimal. Loss of the credit rating on this \$38 million issue may cost the State a million or two dollars over the life of the issue. But this is only step one. A lowering



of the State's credit rating costs not only the State but the Municipal Bond Bank and the local governments as the rating for both state guaranteed and non-guaranteed debt also is lowered. In addition, every subsequent borrowing carries that same or larger penalty. Short term notes also are affected. The extra borrowing costs, which could accumulate to tens of millions of dollars, would absorb funds which could be utilized for other purposes, competing in an unproductive fashion for a portion of the revenue stream.

No agency has indicated that a downgrade would consist only of losing the plus or the 1 from the double A; New Hampshire has been as low as A1 before. In a worse case scenario, the State eventually could be denied access to the capital markets. This sounds apocalyptic, but in June 1983, there was a real question as to whether or not the State could rollover its outstanding revenue anticipation notes in the public credit markets. To avoid the possibility of a failed sale, the State privately placed 40 million dollars in notes with institutional investors. This is not a comfortable situation; the only time an issuer knows it has lost public market access is after the fact.

In no way does this imply that the State of New Hampshire does not enjoy full market access and will continue to enjoy that access. But a downgrade could set us on the slippery slide to "1983 revisited" and that is why we should care.

### ENROLLED BILLS REPORT

**HB 111**, relative to protective well radii.

**HB 257**, relative to collection and reclamation of motor vehicle wastes.

**HB 262-FN**, revising hazardous waste facility permit fees.

**HB 542**, relative to the time frame for submitting school district meeting warrant articles and the number of petitioners necessary to submit a warrant article.

**SB 3-A**, relative to exit 10 on the Spaulding turnpike and making an appropriation therefor.

**SB 55-A**, relative to replacing the Warren Bridge on New Hampshire Route 25 and extending the deadline for completion of a study.

**SB 57-FN**, relative to the review of New Hampshire corporate laws.

**SB 158**, relative to advanced registered nurse practitioners.

**HB 136-FN**, relative to current use assessments and the land use change tax.

**HB 137-FN**, relative to railroad rights-of-way.

**HB 243**, relative to the number of signatures required to place a petitioned article on the warrant.

**HB 391**, to permit the adoption of impact fees as part of a zoning ordinance.

**HB 561**, enabling towns to limit reconsideration of town meeting votes.

**HB 610-FN**, establishing a committee to study means of approving programs for collecting the fines and fees imposed by the state.

**HB 649-FN**, relative to the cigarette tax.

**HB 683-FN-A**, establishing a transportation task force for the twenty-first century and making an appropriation therefor.

**HB 720-FN**, relative to fireworks.

**SB 28-FN-A**, relative to promoting New Hampshire businesses and products internationally and continually appropriating a fund for international trade promotion.

**SB 37**, relative to amending provisions of the voluntary corporation statute.

**SB 102-FN**, authorizing the bank commissioner to establish and administer a public deposit investment pool.

**HJR 4**, relative to providing access to Flat Mountain Pond for members of the public.

Rep. Miriam Dunn for the Committee

### BUDGET BRIEFING

As prescribed by the Rules, Rep. Gross, Chairman of the Committee of Conference on HB 25, the Operating Budget, briefed the House on the Senate version of the budget as follows:

As the first-named member of the Committee of Conference on the House Operating Budget, I am working closely with the members of that Conference Committee and with the members of the Ways and Means Committee of Conference, chaired by Rep. Donna Sytek, which has been sent the revenue bills that are still alive and have passed both bodies in one version or another.

The situation that we are facing in conference committee is as bad as I have seen it since I first walked through the doors of this State House in December of 1966 as the new secretary to the person who held the title then for the job I now hold.

Last Wednesday, I stayed with the Senate until they finished just before midnight of Memorial Day morning. When the Senate voted to turn down the House-passed proposals to increase court fees for 10 million dollars for the biennium and to raise the BPT to nine percent for 30 million dollars, the gap between the House budget (which is the lowest net spending proposal of the three - the House, the Governor and the Senate) and revenues available to fund it grew to about 150 million dollars when the Senate killed these two bills. This is the size of the gap before the House and Senate Ways and Means Committees agree on revenue estimates for the current fiscal year 1991 and the upcoming fiscal years 1992 and 1993. Their agreement will probably result in a gap that is more than 150 million dollars.

House budget conferees are willing to consider - indeed are actively seeking - any specific budget cuts that can help with this problem. But, having tried to do it myself, I must advise you that the level of cuts we can make, without shifting the cost down to the businesses and families who pay property taxes are limited as are the cuts we can make without seriously damaging the ability of the state government to function at a very basic level. The current level of state government spending, a level all three parties agree we can no longer afford, already has been cut. It was cut by six million dollars worth of personnel layoffs in a budget bill we passed. Through executive orders put out by the Governor and approved by the Fiscal Committee, we cut an additional nine percent in personnel and three percent in anything else we could find. So even assuming that the Senate would agree to additional budget cuts, budget cuts can, at best, be seen as only part of the answer. They cannot be the entire answer.

Among the other options available to us are the taxes voted by the Senate instead of court fees and the BPT increase. These taxes - a three percent increase in the estate and legacy tax and reimposition of the telephone property tax, which we repealed when we passed the new telecommunications tax, are items that we must look at seriously because they are among the few choices still open to us. But even if the House agrees with the Governor and the Senate and passes both these taxes, they will raise only 34.4 million dollars instead of the 40 million dollars the Senate refused to accept. Adoption of both these Senate proposals will still mean we are short by about 115 million dollars.

The Senate has a proposal for this, too. Specifically, they have proposed in their version of the budget to cover a gap that is roughly the same size with two types of bonding, and the treasurer has just addressed these.

First, the Senate has proposed that we bond capital type projects for localities. This includes not only the state share of water pollution projects, but the state share of school building aid as well. Together, these proposed bonds would cover about 66 million dollars worth of expenditures.

Secondly, there is no other way to say it, the Senate proposes that we bond the remaining operating deficit in the amount of approximately \$40 million for the bien-nium.

Because these choices are among the options still remaining to us we also have to look at them seriously and that is why the Speaker invited the State Treasurer to talk to us today.

Here, then, are the choices currently before us - none of which taken either singly or together do I believe are a satisfactory solution to support the House level of spending, let alone the Governor's or the Senate's. They are:

1. Pass the estate and legacy tax for 10.4 million dollars, and, in addition
2. Pass the telephone property tax for 24 million dollars, and, in addition
3. Bond school building aid and water pollution grants at 66 million dollars (which all adds up to 98.4 million dollars) and, in addition
4. We cut spending and/or bond operating costs to make up the difference which is a minimum of 50 million dollars to fund the House version before we revise our revenue estimates downwards which is going to happen probably this afternoon. And to the extent that we will have to compromise with the Senate whose level of spending is higher, any compromises made must be added to the gap. This is why the Committee of Conference on the Operating Budget has not made significant progress to date.

I cannot not see how a package that looks like this will be accepted in its entirety by this House. Downshifts to the property tax have never been acceptable on this House floor. Nor can I imagine that even in a real crisis - which this is - that this House will agree to bond basic operating costs.

To get a budget in place - and we must have one and we must have it soon - we need other options. Our Ways and Means Committee, has a clean vehicle in House Bill 40. It is the only revenue bill that is not in conference committee and it is thus available for amendment by this body to give us additional options. Committee of Conference Reports, as you know, must be voted up or down as a whole. House Bill 40, on the other hand, is a vehicle which can still come to this floor and permit the House to divide the question and vote separately on whatever it contains. Ways and Means is still looking at bringing us other options, but they have to bring them to us by next week. At the present time we are still in a situation where our major problem is the amount of revenue that we can agree on that will be available to fund the budget.

The decisions to be made with respect to both revenue and spending are decisions which now must be made in a matter of days. I don't know how else to say it.

#### CONFEREE CHANGE

**HB 341**, relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula. Rep. Hoelzel replaces Rep. Corte.

**(Rep. Chambers in the Chair)****SENATE MESSAGES  
CONCURRENCE**

**HB 561**, enabling towns to limit reconsideration of town meeting votes.

**HB 622-FN**, relative to a debt management plan.

**HB 649-FN**, relative to the cigarette tax.

**NONCONCURRENCE**

**HB 592-FN-A**, relative to court fees.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Donna Sytek moved that the House reconsider its action whereby it nonconcurred with the Senate amendment to HB 353-FN-A and requested a committee of conference, and spoke in favor of her motion.

Reconsideration prevailed and the question was concurrence with the Senate amendment.

**HB 353-FN-A**, to tax smokeless tobacco and making an appropriation therefor. (Amendment printed SJ 29, 5/29/91)

Rep. Donna Sytek moved that the House concur.

On a division vote, 225 members having voted in the affirmative and 84 in the negative, the motion for concurrence was adopted.

Having voted with the prevailing side, Rep. Gene Chandler moved that the House reconsider its action whereby it nonconcurred with the Senate amendment to HB 700-FN and requested a committee of conference, and spoke in favor of his motion.

Reconsideration prevailed and the question was concurrence with the Senate amendment.

**HB 700-FN**, relative to highway planning corridors. (Amendment printed SJ 29, 5/29/91)

Rep. Gene Chandler moved that the House concur.

Adopted.

Having voted with the prevailing side, Rep. Lown moved that the House reconsider its action whereby it nonconcurred with the Senate amendment to HB 727-FN and requested a committee of conference, and spoke in favor of her motion.

Reconsideration prevailed and the question was concurrence with the Senate amendment.

**HB 727-FN**, relative to DWI testing, motor vehicle records fees, and commercial driver licenses. (Amendment printed SJ 29, 5/29/91)

Rep. Lown moved that the House concur.

Adopted.

**SENATE MESSAGE****ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE**

**HB 25-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992 and June 30, 1993.

The President appointed Sens. Blaisdell, Hough and Dupont. Alternates: Sens. Delahunty and W. King.

**HB 35-A**, making appropriations for capital improvements.

The President appointed Sens. Nelson, Colantuono and Fraser.



**HB 62-FN**, relative to retirement allowances under the New Hampshire retirement system.

The President appointed Sens. Delahunty, Bass and Nelson.

**HB 64-FN-A**, relative to establishing a tax on nuclear station property and making an appropriation therefor.

The President appointed Sens. McLane, Russman and Hollingworth.

**HB 65-FN-A**, relative to administration and enforcement of the securities laws, state employee benefits, and state fees, funds, revenues, and expenditures.

The President appointed Sens. Blaisdell, Hough and Delahunty. Alternate: Sen. W. King.

**HB 143-FN**, relative to the liquor commission's authority to close liquor stores.

The President appointed Sens. McLane, Russman and Hollingworth.

**HB 146-FN-A**, relative to the rate of the business profits tax.

The President appointed Sens. McLane, Russman and Hollingworth.

**HB 189**, relative to the rulemaking authority of the director of the office of securities regulation.

The President appointed Sens. Fraser, Heath and Disnard.

**HB 322**, relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state tax.

The President appointed Sens. McLane, Russman and Hollingworth.

**HB 334-FN**, relative to the establishment of agency liquor stores.

The President appointed Sens. McLane, Russman and Hollingworth.

**HB 378-FN-A**, relative to determining reasonable compensation under the business profits tax.

The President appointed Sens. McLane, Russman and Hollingworth.

**HB 390**, relative to technical corrections in the liquor laws.

The President appointed Sens. McLane, Russman and Hollingworth.

**HB 451-FN**, relative to the licensing of residential care and health facilities.

The President appointed Sens. J. King, Fraser and Bass.

**HB 488**, relative to the flexible spending programs.

The President appointed Sens. Nelson, Delahunty and Bass.

**HB 502-FN-A**, relative to child care resource and referral systems and making an appropriation therefor.

The President appointed Sens. J. King, Bass and St. Jean.

**HB 627-FN**, relative to the treatment of repeat DWI offenders.

The President appointed Sens. Oleson, Cohen and Heath.

**HB 669-FN**, relative to the borrowing authority of the state treasurer.

The President appointed Sens. Dupont, Hough and Blaisdell.

**HB 784-FN**, creating a long-range construction program for New Hampshire's highways and highway bridges.

The President appointed Sens. Fraser, Oleson and Hough.

**SUSPENSION OF RULES**

Rep. Donna Sytek moved that the rules be so far suspended as to permit consideration of SB 38-FN-A, exempting interest earned by investors in certain mutual funds from interest and dividend tax, at the present time.

Adopted by the necessary two-thirds.

**SB 38-FN-A**, exempting interest earned by investors in certain mutual funds from the interest and dividend tax. **OUGHT TO PASS WITH AMENDMENT.**

This bill exempts from the Interest and Dividend Tax any dividends from a mutual fund which invests solely in tax anticipation and bond anticipation notes. If such a mutual fund is established, cities and towns would have an additional source from which they could borrow at favorable rates. The amendment makes technical corrections to the bill. Vote 15-0. Rep. Donna P. Sytek for Ways and Means.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

exempting dividends earned by investors in certain mutual funds from the interest and dividend tax.

Amend RSA 77:4-d as inserted by section 1 of the bill by replacing it with the following:

77:4-d Dividends Earned on Certain Mutual Funds Not Taxable. Notwithstanding any provisions of RSA 77:4 to the contrary, the dividends earned by an investor in a mutual fund which invests solely in New Hampshire tax-exempt tax anticipation notes, bond anticipation notes and other instruments exempt under New Hampshire law shall not be taxable under this chapter.

**AMENDED ANALYSIS**

This bill exempts from the interest and dividend tax dividends earned by investors in a mutual fund which invests solely in New Hampshire tax-exempt tax anticipation notes, bond anticipation notes, and other instruments exempt under New Hampshire law.

Adopted.

Report adopted.

Ordered to third reading.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 12, 1991 at 10:00 a.m.

Adopted.

**(Speaker Burns in the Chair)****CONFEREE CHANGE**

**SB 183**, relative to the Lamprey Regional Solid Waste Cooperative. Rep. Trombly replaces Rep. Scanlan.

**LATE SESSION**

**Third reading and final passage**

**SB 38-FN-A**, exempting interest earned by investors in certain mutual funds from interest and dividend tax.

Rep. Gross moved that the House stand in recess for the purpose of Enrolled Bills Reports and changes in Committees of Conference only.

Adopted.

The House recessed at 2:30 p.m.

**RECESS**

**(Rep. Gross in the Chair)**

**CONFEREE CHANGES**

**HB 761**, relative to leasing certain state land. Rep. Gross replaces Rep. Sandra Keans.

**SB 22**, relative to changes in requirements for psychologists. Rep. Gross replaces Rep. Cornelius Keane.

**RECESS**

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 28**

Wednesday, June 12, 1991

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by David Lamarre-Vincent, Executive Director of the New Hampshire Council of Churches.

As seekers after the truth, O God, we confess the hesitancy and inconstancy which hinder us in our search. That which we find is often unwelcome and uncomfortable; we evade the truth and reassure ourselves by self-deception, clinging to old familiar errors or cherishing the lie in the soul. The problems of our time are bewildering; let us not take refuge in evasion and indifference. Renew our candor and our courage and our courtesy in the deliberations of this day. Amen

Rep. Krueger led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Feuerstein, Splaine, Parr, McCarthy, Wells, Vincent, Allen Wiggin and Romeo Jean, the day, illness.

Reps. Apple, Sherman Packard, David Young (military service), Daniel Healy, Upton, Millard, Pearson, McRae, Barood, C. Dana Christy, Musler, Golden MacKinnon, Caswell and Anderson, the day, important business.

Rep. Allison, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Jeanne and Dudley Cunningham, guests of Reps. Hanselman and Bonnie Packard. Christina and Maria Tsiros, nieces of Rep. Tsiros. Brett C. Griffin, guest of Rep. Thayer. Colleen, Nicholas, Adam and Justin Dodge, daughter-in-law and grandsons. Collene Paupt and Col. and Mrs. Barney Gavin, guests of Rep. Dodge. Jerry McQwin and Bethany Byauneis, guests of Rep. Shackett. Rev. Rick Rhodes, guest of Rep. Ouellette.

**HOUSE RESOLUTION NO. 25**

memorializing State Representative Lester R. Perham of Milford

WHEREAS, we have learned with great sorrow of the death of our distinguished colleague, Lester R. Perham, who was in the midst of his fourth consecutive term as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, throughout his seven years of legislative service, Lester R. Perham sat as an esteemed member of the Standing Committee on Fish and Game, serving the two most recent terms as the esteemed Chairman, and

WHEREAS, having been blessed with an abundance of community spirit and the credentials of leadership, Lester R. Perham served the voters of Milford as Supervisor of the Checklist, as a member of the Budget Committee, and as Chairman of the School Building Committee, and

WHEREAS, having been a native New Hampshire son who was born in the Town of Greenfield, Lester R. Perham lived nearly his entire life in Milford, a community that occupied a special place in his heart, and

WHEREAS, Lester R. Perham did serve honorably in the United States Navy during World War II, and later served three terms as an American Legion Post Commander, now therefore be it



RESOLVED, by the House of Representatives in Regular Session convened that Lester R. Perham be granted highest praise and recognition for his dedicated and exemplary legislative and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Adopted.

### COMMUNICATION

June 11, 1991

James A. Chandler, Clerk, N.H. House of Representatives

This is to advise you that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham County District No. 5 (Auburn, Chester, Sandown)

Henry E. Wells, r, Sandown (122 Wells Village Rd.) 03873

William M. Gardner, Secretary of State

### COMMITTEE REPORTS REGULAR CALENDAR

**HB 41**, relative to setting the moose season. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, gives the Fish and Game Director the authority to extend the moose season and to work with the Departments of Transportation and Safety to address the problems on our highways. Vote 19-0. Rep. Lester R. Perham for Fish and Game. (report signed 6/5/91)

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to setting the moose season and reducing collisions between moose and motor vehicles.

Amend the bill by replacing all after the enacting clause with the following:

1 Taking of Moose: Hunting Season Extended. Amend RSA 208:1-a, I to read as follows:

I. No person shall hunt, take, or have in his possession any moose or any part of the carcass of a moose taken in this state without first obtaining a valid license for such activities from the department of fish and game. The executive director of fish and game, with the consent of the commission, may establish, by rules adopted under RSA 541-A, a hunting season [of up to 3 consecutive days] for moose in any county of the state, or any portion thereof. Such rules shall include, but not be limited to, the mode by which moose may be taken; the length of the season; requirements for reporting by hunters; sex limitations; and total take in any one year[. which may not exceed 75 the first season]. *The authority of the executive director as granted by this section shall expire on December 31, 1996, except that such authority shall permit the executive director, with the consent of the commission, to set the opening date of hunting season for moose for 1997.*

2 Report. The executive director of the department of fish and game, in conjunction with the commissioner of the department of transportation and the commissioner of the department of safety, shall prepare a report for the speaker of the house of representatives and the president of the senate. The report shall recommend measures,

including, but not limited to, educational programs, signage, trimming of roadside vegetation, and any other means available to reduce collisions between moose and motor vehicles on New Hampshire's highway's and within the White Mountain National Forest. The report shall be delivered to the speaker of the house and president of the senate by November 1, 1991.

3 1991 Moose Hunting Season. Notwithstanding any other provision of law, the 1991 opening date for the moose season shall be October 15, 1991, and the closing date shall be October 24, 1991.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill authorizes the executive director of fish and game, with the consent of the fish and game commission, to extend the hunting season for moose and the total take of moose for any one year. Such authority expires on December 31, 1996. Current law limits the moose season to 3 days and the take to 75 moose.

This bill also requires the executive director of the fish and game department, the commissioner of the department of transportation and the commissioner of the department of safety, to prepare and submit a report to the speaker of the house and president of the senate recommending measures to reduce collisions between moose and motor vehicles.

This bill also sets the 1991 moose season from October 15, 1991, to October 24, 1991.

Rep. Drake spoke in favor

Adopted.

Report adopted.

Ordered to third reading.

**HB 40-FN-A**, relative to a business receipts tax and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

The original version of House Bill 40, the Business Receipts Tax, is the Committee's best effort to reform the Business Profits Tax. While it would have expanded the number of payers fourfold and increased state revenues by \$75 million, the Committee did not vote to impose a tax of this nature on businesses that have a high sales volume and low profit margin. Instead, the Committee approved an amendment which replaces the Business Receipts Tax with a package of other measures which collectively raise \$46 million over the biennium.

1. The rate of Legacy Tax is increased from 15 percent to 18 percent, but the current exemptions for spouses, lineal descendants and charities are maintained. The biennial revenue is estimated at \$10 million. This measure was attached by the Senate to HB 146, which is in Conference, but we are including it here to avoid any constitutional question about whether the Senate can originate a tax increase. (Section 1 of amendment)

2. The Telecommunications Tax is raised from the current 5 percent to 6 percent for two years with a permanent tax rate of 4 percent. This is in place of the Telephone Property Tax proposed by the Senate, and will yield \$9 million for the biennium. (Sections 12 and 14 of amendment)

3. The amendment also expands the definition of telecommunications to include Cable TV. Video rentals and medical devices are exempted. The revenue from this tax is estimated at \$12 million for the biennium. (Sections 10 and 11 of amendment)

4. The business poll tax is an assessment of \$150 on all businesses grossing more than \$12,000 per year, payable in November 1991 and 1992. This will yield \$15 million for the biennium. The 50,000 businesses which currently avoid paying the BPT would be included under this tax. (Sections 2-9 and 13 of the amendment).

Vote 12-5. Rep. Donna P. Sytek for Ways and Means.

Rep. Jacobson offered a floor amendment.

### **Floor Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to a one percent state income tax  
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; State Aid to Municipalities. Amend RSA by inserting after chapter 77-D the following new chapter:

#### **CHAPTER 77-E**

#### **STATE AID TO MUNICIPALITIES**

77-E:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of revenue administration.

II. "Department" means the department of revenue administration.

III. "Nonresident estate or trust" means an estate or trust which is not a resident estate or trust.

IV. "Nonresident individual" means an individual who is not a resident of this state.

V. "Person" includes an individual, a fiduciary, a trust, and an estate, but it does not include trusts created and managed exclusively for charitable or educational uses, or enterprises expressly made exempt from state income taxation under the United States Internal Revenue Code of 1986 as amended.

VI. "Resident estate or trust" means:

(a) The estate of a decedent who at his death was domiciled in this state;

(b) A trust created by will of a decedent who at his death was domiciled in this state; or

(c) A trust created by, or consisting of the property of, a person domiciled in this state.

VII. "Resident individual" means an individual who:

(a) Is domiciled in this state, unless he maintains no permanent place of abode in this state and does maintain a permanent place of abode elsewhere and spends in the aggregate not more than 30 days of the taxable year in this state; or

(b) Is not domiciled in this state, but maintains a permanent place of abode in this state and spends in the aggregate more than 183 days of the taxable year in this state.

VIII. Any other term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required. Any reference in this chapter to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1986, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as of January 1, 1992.

77-E:2 Tax Imposed. A tax is hereby imposed on the entire gross income for federal income tax purposes of every resident individual, on the entire gross income for

federal income tax purposes of nonresident individuals which is derived from sources within this state and on the entire gross income for federal income tax purposes of resident and nonresident estates and trusts. The rate of the tax shall be one percent.

77-E:3 Distribution of Revenue.

I. The revenue received from the tax imposed by RSA 77-E:2, after paying the expenses of administering this chapter, shall be distributed annually as provided in paragraphs II and III.

II. The sum of the moneys remaining after the payment of expenses in paragraph I shall be deposited in a restricted fund in the state treasury, to be called the municipal support fund. No later than August 15 of each year, the state treasurer shall determine whether a deficit exists in the state operating budget for the prior fiscal year. If the state treasurer determines that a deficit does exist, the state treasurer shall first use moneys deposited in the municipal support fund to balance the state operating budget for the prior fiscal year by depositing a sum sufficient for this purpose in the general fund. Money due the restricted fund shall not be appropriated for any purpose which is not listed in this section unless specific legislation requiring such an appropriation is proposed, passed by  $\frac{3}{4}$  of those voting in both the house and senate, and signed into law by the governor.

III. After the distribution made in paragraph II, if any, the state treasurer shall then distribute the moneys deposited in the municipal support fund on September 15 of each year to the cities and towns to be used for such purposes as shall be determined by each city and town. The moneys distributed to cities and towns under this section shall be in addition to any other moneys which are distributed to cities and towns by the state.

77-E:4 Association, Trust, or Other Unincorporated Organization.

I. An association, trust or other unincorporated organization which is taxable as a corporation for federal income tax purposes shall not be subject to taxation under this chapter.

II. An association, trust, or other unincorporated organization which by reason of its purposes or activities is exempt from federal income tax shall be exempt from the tax imposed by this chapter except with respect to its unrelated business taxable income.

77-E:5 Credits. The following credits shall be allowed against the tax due under this chapter:

I.(a) A resident individual shall be allowed a credit against the tax otherwise due under this chapter for the amount of any income tax imposed on him for the taxable year by another state of the United States or a political subdivision thereof or the District of Columbia on income derived from sources therein and which is also subject to tax under this chapter.

(b) The credit provided under this section shall not exceed the proportion of the tax otherwise due under this chapter that the amount of the taxpayer's adjusted gross income derived from sources in the other taxing jurisdiction bears to his taxable income.

II. A resident estate or trust shall be allowed the credit provided in paragraph I except that the limitation shall be computed by reference to the taxable income of the estate or trust.

III.(a) A resident beneficiary of a trust whose taxable income includes all or part of an accumulation distribution by such trust, as defined in section 665 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due under this



chapter for all or a proportionate part of any tax paid by the trust under this chapter for any preceding taxable year which would not have been payable if the trust had in fact made distribution to its beneficiaries at the times and in the amounts specified in section 666 of the Internal Revenue Code.

(b) The credit under this section shall not reduce the tax otherwise due from the beneficiary under this chapter to an amount less than would have been due if the accumulation distribution or his part thereof were excluded from his adjusted gross income.

IV. A nonresident beneficiary of a trust whose taxable income derived from sources in this state includes all or part of an accumulation distribution by such trust, as defined in section 665 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due under this chapter, computed in the same manner and subject to the same limitation as provided by paragraph I with respect to a resident beneficiary.

V. Notwithstanding any other provision of this chapter, a percentage of any tax paid pursuant to RSA 77-A by a business organization shall be allowed as a credit against the tax due under this chapter, except that the credit shall not exceed the tax due under this chapter.

VI. In order to determine the percentage of the tax paid which shall be allowed as a credit under paragraph V, the commissioner of revenue administration shall divide the rate of the tax imposed by RSA 77-E:2 by the rate of the business profits tax.

VII. Federal tax on catastrophic health care.

77-E:6 Dual Residence; Reduction of Tax. If the taxpayer is regarded as a resident both of this state and another jurisdiction for purposes of personal income taxation, the commissioner shall reduce the tax on that portion of the taxpayer's income which is subjected to tax in both jurisdictions solely by virtue of dual residence, provided that the other taxing jurisdiction allows a similar reduction. The reduction shall be in an amount equal to that portion of the lower of the 2 taxes applicable to the income taxed twice which the tax imposed by this state bears to the combined taxes of the 2 jurisdictions on the income taxed twice.

77-E:7 Employer to Withhold Tax from Wages.

I. Every employer maintaining an office or transacting business within this state and making payment of any wages taxable under this chapter to a resident or nonresident individual shall deduct and withhold from such wages for each payroll period a tax computed in such manner as to result, so far as practicable, in withholding from the employee's wages during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee under this chapter with respect to the amount of such wages included in his adjusted gross income during the calendar year. The method of determining the amount to be withheld shall be set by rules adopted by the commissioner under RSA 541-A. This section shall not apply to payments by the United States for service in the armed forces of the United States.

II. The commissioner may enter into agreements with the tax departments of other states which require income tax to be withheld from the payment of wages and salaries so as to govern the amounts to be withheld from the wages and salaries of residents of such states under this chapter. Such agreements may provide for recognition of anticipated tax credits in determining the amounts to be withheld and, under rules adopted by the commissioner, may relieve employers in this state from withholding income tax on wages and salaries paid to nonresident employees. The agreements

authorized by this paragraph are subject to the condition that the tax department of such other states grant similar treatment to residents of this state.

77-E:8 Information Statement for Employee. Every employer required to deduct and withhold tax under this chapter from the wages of an employee, or who would have been required to deduct and withhold tax if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect to the wages paid by such employer to such employee during the calendar year on or before February 15 of the succeeding year, or, if his employment is terminated before the close of such calendar year, within 30 days from the date on which the last payment of wages is made, a written statement showing the amount of wages paid by the employer to the employee, and the amount deducted and withheld as tax. The commissioner shall adopt rules under RSA 541-A relative to the form of written information statements and the information which they must contain. Such written statement shall conform as nearly as possible to that required by the Internal Revenue Service. A penalty of \$2 shall be imposed for each statement not provided, up to \$2,000 in a calendar year.

77-E:9 Credit for Tax Withheld. Wages upon which tax is required to be withheld shall be taxable under this chapter as if no withholding were required, but any amount of tax actually deducted and withheld under this chapter in any calendar year shall be deemed to have been paid to the commissioner on behalf of the person from whom withheld, and such person shall be credited with having paid that amount of tax for the taxable year beginning in such calendar year.

77-E:10 Employer's Return and Payment of Tax Withheld.

I. Every employer required to deduct and withhold tax under this chapter shall, for each calendar quarter, on or before the fifteenth day of the month following the close of such calendar quarter, file a withholding return as prescribed by the commissioner and pay over to the commissioner or to a depository designated by the commissioner, the taxes so required to be deducted and withheld, except that for the fourth quarter of the calendar year, the return shall be filed and the taxes paid on or before January 31 of the succeeding year. Where the aggregate amount required to be deducted and withheld by any employer for a calendar month exceeds \$500, the employer shall by the fifteenth day of the succeeding month pay over such aggregate amount to the commissioner. The amount so paid shall be allowed as a credit against the liability shown on the employer's quarterly withholding return required by this section. Where the aggregate amount required to be deducted and withheld by any employer is less than \$100 in a calendar quarter, the commissioner may by rule permit an employer to file a withholding return on or before July 31 for the semi-annual period ending on June 30 and on or before January 31 of the succeeding year for the semi-annual period ending on December 31. The commissioner may, if he believes such action necessary for the protection of the revenue, require any employer to make such return and pay him the tax deducted and withheld at any time, or from time to time. Whenever the amount of wages paid by an employer is not sufficient under this chapter to require the withholding of tax from the wages of any of his employees, the commissioner may by rule permit such employer to file an annual return on or before January 31 of the succeeding calendar year.

II. Whenever any employer fails to collect, truthfully account for, pay over the tax, or make returns of the tax as required by this section, the commissioner may serve a notice requiring such employer to collect the taxes which became collectible after service of such notice, to deposit such taxes in a bank approved by the commis-

sioner, in a separate account, in trust for and payable to the commissioner, and to keep the amount of such tax in such account until paid over to the commissioner. Such notice shall remain in effect until a notice of cancellation is served by the commissioner.

**77-E:11 Employer's Liability for Withheld Taxes.** Every employer required to deduct and withhold tax under this chapter is hereby made liable for such tax. For purposes of assessment and collection, any amount required to be withheld and paid over to the commissioner, and any additions to tax, penalties and interest with respect thereto, shall be considered the tax of the employer. Any amount of tax actually deducted and withheld under this chapter shall be held to be a special fund in trust for the commissioner. No employee shall have any right of action against his employer in respect to any money deducted and withheld from his wages and paid over to the commissioner in compliance or in intended compliance with this chapter.

**77-E:12 Employer's Failure to Withhold.** If an employer fails to deduct and withhold tax as required, and thereafter the tax against which such tax may be credited is paid, the tax required to be deducted and withheld shall not be collected from the employer, but the employer shall not be relieved from liability for any additions to tax, penalties, or interest otherwise applicable in respect to such failure to deduct and withhold.

**77-E:13 Period for Computation of Taxable Income.**

I. For purposes of the tax imposed by this chapter, a taxpayer's taxable year shall be the same as his taxable year for federal income tax purposes.

II. If a taxpayer's taxable year is changed for federal income tax purposes, his taxable year for purposes of the tax imposed by this chapter shall be similarly changed. If a change in taxable year results in a taxable period of less than 12 months, the amount of the exemption allowed by this chapter shall be prorated.

III. Notwithstanding the provisions of paragraphs I and II, if the commissioner terminates the taxpayer's taxable year under RSA 77-E:45 relating to tax in jeopardy, the tax shall be computed for the period determined by such action.

**77-E:14 Methods of Accounting.**

I. For purposes of the tax imposed by this chapter, a taxpayer's method of accounting shall be the same as his method of accounting for federal income tax purposes. If no method of accounting has been regularly used by the taxpayer, taxable income for purposes of this chapter shall be computed under such method that in the opinion of the commissioner fairly reflects income.

II. If a taxpayer's method of accounting is changed for federal income tax purposes, his method of accounting for purposes of this chapter shall similarly be changed.

**77-E:15 Adjustments.** In computing a taxpayer's taxable income for any taxable year under a method of accounting different from the method under which the taxpayer's taxable income for the previous year was computed, there shall be taken into account those adjustments which are determined, under rules adopted by the commissioner, to be necessary solely by reason of the change in order to prevent amounts from being duplicated or omitted.

**77-E:16 Limitation on Additional Tax.**

I. If a taxpayer's method of accounting is changed, other than from an accrual to an installment method, any additional tax which results from adjustments determined to be necessary solely by reason of the change shall not be greater than if such adjust-



ments were ratably allocated and included for the taxable year of the change and the preceding taxable years, not in excess of 2, during which the taxpayer used the method of accounting from which the change is made.

II. If a taxpayer's method of accounting is changed from an accrual to an installment method, any additional tax for the year of such change of method and for any subsequent year which is attributable to the receipt of installment payment properly accrued in a prior year, shall be reduced by the portion of tax for any prior taxable year attributable to the accrual of such installment payments, under rules adopted by the commissioner.

77-E:17 Returns.

I. Every resident or nonresident individual or estate or trust having any gross income for federal income tax purposes shall make a return to the commissioner under the rules of and in the form and manner adopted by the commissioner under RSA 541-A on or before the fifteenth day of the fourth month after the end of the taxable year. A husband and wife shall file a joint return for any taxable year for which they file a joint return under the United States Internal Revenue Code, but not otherwise.

II. An income tax return for any deceased individual shall be made and filed by his executor, administrator, or other person charged with the care of his property. A final return of a decedent shall be due when it would have been due if the decedent had not died.

III. An income tax return for an individual who is unable to make a return by reason of minority or other disability shall be made and filed by his duly authorized agent, guardian, conservator, fiduciary or other person charged with the care of his person or property other than a receiver in possession of only a part of the individual's property.

IV. The income tax return of an estate or trust shall be made and filed by the fiduciary of the estate or trust.

V. If 2 or more fiduciaries are acting jointly, the return may be made by any one of them.

VI. All persons shall return full data as to exemptions, and as to all matters required by the commissioner for the correct computation of the taxes imposed under this chapter.

VII. All returns required by this chapter must be signed by the person filing the return or by his agent, subject to the penalties of perjury.

VIII. If a tax return is not filed or is incorrectly filed, the commissioner shall give notice to the person responsible for the omission or error, requiring that a return or a correct return be filed.

77-E:18 Additional Returns.

I. When the commissioner has reason to believe that a person has failed to file a return or has failed to include taxable income in a filed return, the commissioner may require the person to file a return or a supplementary return showing what items of income the person has received during the period involved.

II. Upon receipt of the return or supplementary return, or if none is received within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such an additional return does not relieve the person of any penalty for failure to make a correct original return, or relieve the person from liability for interest on payments not made when due.



77-E:19 Notice of Qualification as Receiver. Every receiver, trustee in bankruptcy, assignee for benefit of creditors, or other like fiduciary, shall give notice of his qualification as such to the commissioner, as he may require.

77-E:20 Change of Status as Resident or Nonresident During Year. The commissioner may adopt rules under RSA 541-A relative to requiring an individual to file one return for the portion of the year during which he is a resident and one for the portion of the year during which he is a nonresident, if he changes his status during his taxable year from resident to nonresident or from nonresident to resident.

77-E:21 Taxable Income as Resident and Nonresident.

I. Except as provided in paragraph II, the taxable income of the individual shall be determined for residents and for nonresidents as if the individual's taxable year for federal income tax purposes were limited to the period of his resident and nonresident status respectively.

II. There shall be included in determining taxable income from sources within or without this state, as the case may be, income, gain, loss, or deduction accrued prior to the change of status even though not otherwise includible or allowable in respect of the period prior to such change, but the taxation or deduction of items accrued prior to the change of status shall not be affected by the change.

77-E:22 Minimum Tax and Prorating of Exemptions. Where 2 returns are required to be filed as provided in RSA 77-E:20:

I. Personal exemptions shall be prorated between the 2 returns, under rules adopted pursuant to RSA 541-A by the commissioner, to reflect the proportions of the taxable year during which the individual was a resident and a nonresident; and

II. The total of the taxes due shall not be less than would be due if the total of the taxable incomes reported on the 2 returns were included in one return.

77-E:23 Declaration of Estimated Tax by Individuals.

I. Except as otherwise provided in this chapter, every individual shall make a declaration of his estimated tax under this chapter for the taxable year if:

(a) The individual is required to make a declaration of his estimated tax for federal income tax purposes; or

(b) The taxable income can reasonably be expected to include more than \$1,000 from sources other than wages subject to withholding under RSA 77-E:11.

II. "Estimated tax" shall be the amount which the individual estimates to be his income tax under this chapter for the taxable year less the amount which he estimates to be the sum of any credits allowable for tax withheld.

III. Notwithstanding the provisions of this section, no declaration is required if the estimated tax can reasonably be expected to be less than \$100, after taking into account the amounts withheld.

IV. In the case of a husband and wife, a single declaration under this section may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several.

V. Such declarations shall be made at such times as declarations of returns of tax due are made.

VI. The taxpayer may pay his entire estimated tax, less amounts expected to be withheld by employers, at the time of making his estimate or may pay it in equal installments on or before April 15, June 15, September 15, and January 15.

77-E:24 Information Returns. Each individual, partnership, corporation, company, or association resident or doing business in this state, including commercial lessees, mortgagors, fiduciaries, employers, officers of the state or of any of its political

subdivisions, having control of the payment of interest, salaries, rentals, premiums, dividends, profits, annuities, and other income of \$1,000 or more, or \$100 or more in the case of interest or dividends, paid or payable to any person in this state, shall file an information return with the commissioner showing the income paid or payable to such a person during the calendar year. The information return is due on or before March 1 of the year following the calendar year in which the income was paid. A penalty of \$2 shall be imposed for each return not filed, up to \$2,000 in a calendar year. The commissioner may change the necessity of information returns or other provisions of this section so as to make the state requirements for filing similar to the federal requirements.

77-E:25 Extension of Time for Filing Return. The commissioner may grant, for reasonable cause, an extension of time for filing any return, declaration or other document required under this chapter. The commissioner may adopt rules under RSA 541-A relative to the terms and conditions for filing any such return, declaration, or other document. Except for a taxpayer who is outside of the United States, no such extension shall exceed 7 months.

77-E:26 Corrections. Each person shall report to the commissioner any change in the amount of his taxable income as finally determined by the United States Internal Revenue Service with respect to any previous year for which the person has made a return under this chapter. Such a report shall be made not later than 90 days after the person has received notice that such a change has been finally determined.

77-E:27 Adjustment Procedures. The commissioner may determine whether there has been an error in the assessment of any tax imposed by this chapter under the following procedures:

I. The taxpayer, within 3 years after the tax was due, may make a request for a determination in writing. In the request, the taxpayer shall set forth the errors claimed to have been made in the assessment.

II. The commissioner may make a determination on his own motion upon written notice to the taxpayer given within 3 years after the tax was due, or paid, whichever date is later. If the taxpayer has reported a correction made by the Internal Revenue Service under RSA 77-E:26, the commissioner shall give the notice within 6 months after the report. In either case, the commissioner shall set forth the errors it claims the taxpayer has made, if any.

III. If the commissioner finds that any adjustment should in justice be made as requested by the taxpayer, he shall order a decrease or increase of a tax previously assessed. Any decrease thus made shall bear interest at the same rate as the interest on 13-week United States treasury bills as of August 1 of the tax year, or 10 percent per year, whichever is higher, from the date when the tax was paid, and shall be credited against any unpaid tax then due from the taxpayer, and any balance due the taxpayer shall be certified by the commissioner to the state treasurer who shall pay the balance to the taxpayer. However, no such credit and payment together may exceed the amount of the tax originally paid. Any increase ordered by the commissioner shall be assessed against the taxpayer and shall carry interest, calculated in the same way, from the date it was payable to the date it is paid.

IV. In any case arising under this section, the commissioner shall grant a hearing on written request by the taxpayer.

77-E:28 Appeal. Within 30 days after notice of any assessment or adjustment of a tax under this chapter, a taxpayer shall have the option of electing to appeal the finding to:

I. The superior court in the county where the taxpayer resides, if a resident of this state, or if not a resident, to the superior court in the county in which the taxpayer has a place of business or a resident agent or a source of income; or

II. The board of tax and land appeals, which shall determine the issue de novo. An election by a taxpayer to bring an action before the board of tax and land appeals shall be deemed a waiver of any right to bring an action in the superior court.

77-E:29 Mathematical Error. In the event that the amount of tax is understated on the taxpayer's return due to a mathematical error, the commissioner shall notify the taxpayer that an amount of tax in excess of that shown on the return is due and has been assessed. Such a notice of additional tax due shall not be considered a notice of a deficiency assessment nor shall the taxpayer have any right of protest or appeal as in the case of a deficiency assessment based on such notice, and the assessment and collection of the amount of tax erroneously omitted in the return is not prohibited by any provision of this chapter.

77-E:30 Recovery of Erroneous Refund. An erroneous refund shall be considered an underpayment of tax on the date made, and an assessment of a deficiency arising out of an erroneous refund may be made at any time within 2 years from the making of the refund, except that the assessment may be made within 5 years from the making of the refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact. Any portion of the tax imposed by this chapter or any interest, penalty, or addition to tax which has been erroneously refunded and which is recoverable shall bear interest at the same rate as the interest on 13-week United States treasury bills as of August 1 of the tax year, or 10 percent per year, whichever is higher, from the date of payment of the refund.

77-E:31 Administration.

I. This chapter shall be administered and enforced by the commissioner of revenue administration. Subject to appropriations therefor, the commissioner shall appoint, subject to personnel statutes, such technical, administrative and clerical assistants as may be necessary to carry out the provisions of this chapter, who shall have such powers, duties, and functions in the enforcement and administration of this chapter as the commissioner may from time to time assign.

II. The commissioner may, subject to approval by the governor and council, appoint unclassified employees, who shall serve at his pleasure. The commissioner, subject to appropriation therefor, may equip the department with the furniture, equipment, and supplies and may incur other expenses necessary to administer this chapter.

III. The commissioner shall administer and enforce the tax imposed by this chapter. The commissioner may, for enforcement and administrative purposes, divide the state into a reasonable number of districts in which branch offices may be maintained.

77-E:32 Rulemaking Authority. The commissioner shall adopt the rules, pursuant to RSA 541-A, which he deems necessary to insure the proper administration of this chapter which shall be consistent with the provisions of RSA 21-J:12. The commissioner shall adopt specific rules relative to:

I. The reporting of facts and information necessary for the enforcement of the provisions of this chapter.

II. The form and contents of all returns, written information statements and documents required to be filed under this chapter.

III. The apportionment and allocation of items of income and deduction for non-residents.

IV. The attribution of items of fiduciary adjustment for trusts and estates.



V. Determining the proper withholding credit and proration of exemptions for taxable years of less than 12 months.

VI. The inspection of income tax returns of individuals.

VII. Any other matters necessary for the proper administration of this tax.

77-E:33 Timely Mailing. If any claim, statement, notice, petition, or other document including, to the extent authorized by the commissioner, a return or declaration of estimated tax, required to be filed within a prescribed period or on or before a prescribed date under the authority of any provision of this chapter is, after such period or such date, delivered by United States mail to the commissioner, or the office, officer or person in the department with which or with whom such document is required to be filed, the date of the United States postmark stamped on the envelope shall be deemed to be the date of delivery. This section shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document, determined with regard to any extension granted for such filing, and only if such document was deposited in the mail, postage prepaid, properly addressed to the commissioner, office, officer or person in the department with which or with whom the document is required to be filed. If any document is sent by United States registered mail, such registration or certification shall be prima facie evidence that such document was delivered to the commissioner, or the office, officer or person to which or to whom it is addressed. This section shall apply in the case of postmarks not made by the United States Postal Service only if and to the extent provided by rules adopted by the commissioner under RSA 541-A. When the last day prescribed under the authority of this chapter, including any extension of time, for performing any act falls on Saturday, Sunday, or a legal holiday in this state, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or a legal holiday.

77-E:34 Interest. If any of the tax imposed by this chapter, including tax withheld, is not paid on or before the due date, interest at the rate determined under RSA 21-J:27 shall be paid for the period from the due date to the date paid. No interest shall be imposed if the amount of interest due is less than \$1. This section shall not apply to any failure to pay estimated tax under RSA 77-E:23.

77-E:35 Collection Procedures.

I. The tax imposed by this chapter shall be collected by the commissioner, and he may establish the mode or time for the collection of any amount due if not otherwise specified. The commissioner shall, on request, give a receipt for any amount collected under this chapter. The commissioner may authorize incorporated banks or trust companies which are depositories or fiscal agents of this state to receive and give a receipt for any tax imposed under this chapter, in such manner, at such times, and under such conditions as he may prescribe; and the commissioner shall prescribe the manner, times and conditions under which the receipt of tax by such banks and trust companies is to be treated as payment of tax to the commissioner.

II. The commissioner shall, as soon as practicable, give notice to each person liable for any amount of tax, addition to tax, additional amount, penalty, or interest which has been assessed but remains unpaid, stating the amount and demanding within 10 days of the date of the notice and demand payment thereof. Such notice shall be left at the dwelling place or usual place of business of such person or shall be sent by mail to such person's last known address. Except where the commissioner determines that collection would be jeopardized by delay, if any tax is assessed prior



to the last date, including any date fixed by extension, prescribed for payment of such tax, payment of such tax shall not be demanded until after such date.

77-E:36 Issuance of Warrant. If any person liable to pay any tax, addition to tax, penalty, or interest imposed under this chapter neglects or refuses to pay the same within 10 days after notice and demand, the commissioner may issue a warrant directed to the sheriff of any county of this state or to his own representative commanding him to levy upon and sell such person's real and personal property for the payment of the amount assessed, with the cost of executing the warrant, and to return such warrant to the commissioner and to pay him the money collected by virtue thereof within 60 days after receipt of the warrant. If the commissioner finds that collection of the tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the commissioner and upon failure or refusal to pay such tax the commissioner may issue a warrant without regard to the 10-day waiting period provided in this section.

77-E:37 Lien of Tax. If any tax imposed by this chapter is not paid when due, the commissioner may file in the office of any register of deeds a certificate specifying the amount of the tax, addition to tax, penalty and interest due, the name and last known address of the taxpayer liable for the amount and the fact that the commissioner has complied with all the provisions of this chapter in the assessment of the tax. From the time of the filing, the amount set forth in the certificate constitutes a lien upon all property of the taxpayer in the county then owned by him or thereafter acquired by him in the period before the expiration of the lien. The lien provided therein has the same force, effect and priority as a judgment lien and continues for 10 years from the date of recording unless sooner released or otherwise discharged.

77-E:38 Extension; Release of Lien. Within 10 years from the date of the recording or within 10 years from the date of the last extension of the lien in the manner provided in this section, the lien may be extended by recording a new certificate in the office of the register of deeds of any county. The commissioner may, at any time, release all or any portion of the property subject to any lien provided for in this chapter or subordinate the lien to other liens if he determines that the taxes are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of the taxes.

77-E:39 Taxpayer Not a Resident. When notice and demand for the payment of a tax is given to a nonresident and it appears to the commissioner that it is not practicable to locate property of the taxpayer sufficient in amount to cover the amount of tax due, he shall send a copy of the certificate provided for in RSA 77-E:37 to the taxpayer at his last known address together with a notice that such certificate has been filed with the register of deeds. Thereafter, the commissioner may authorize the institution of any action or proceeding to collect or enforce such claim in any place and by any procedure that a civil judgment of a court of record of this state could be collected or enforced. The commissioner may also, in his discretion, designate agents or retain counsel outside this state for the purpose of collecting outside this state any taxes due under this chapter from taxpayers who are not residents of this state. He may fix the compensation of such agents and counsel to be paid out of money appropriated or otherwise lawfully available for payment of such compensation. He may require of them bonds or other security for the faithful performance of their duties. The commissioner is authorized to enter into agreements with the tax departments of other states and the District of Columbia for the collection of taxes from persons found in this state who are delinquent in the payment of income taxes imposed by those states

or the District of Columbia on condition that the agreeing states and the District of Columbia afford similar assistance in the collection of taxes from persons found in those jurisdictions who are delinquent in the payment of taxes imposed under this chapter.

77-E:40 Action for Recovery of Taxes. The commissioner may bring an action within 6 years after the assessment of any tax in any court of competent jurisdiction within or without this state in the name of the people of this state to recover the amount of any taxes, additions to tax, penalties, and interest due and unpaid under this chapter. In such action, the certificate of the commissioner showing the amount of the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency, and of the compliance by the commissioner with all the provisions of this chapter in relation to the assessment of the tax.

77-E:41 Income Tax Claims of Other States. The courts of this state shall recognize and enforce liabilities for personal income taxes lawfully imposed by any other state which extends a like comity to this state, and the duly authorized officer of any such state may sue for the collection of such a tax in the court of this state. A certificate by the secretary of state of such other state that an officer suing for the collection of such a tax is duly authorized to collect the tax shall be conclusive proof of such authority. For the purposes of this section, the word "tax" shall include additions to tax, interest, and penalties. Liability for such taxes, additions to tax, interest, and penalties shall be recognized and enforced by the courts of this state to the same extent that the laws of such other state permit the enforcement in its courts of liability for such taxes, additions to tax, interest, and penalties due this state under this chapter.

77-E:42 Order to Compel Compliance.

I. If any person willfully refuses to file an income tax return required by this chapter, the commissioner may apply to a judge of the superior court for the county in which the taxpayer or other person required to file an income tax return resides, for an order directing such person to file the required return. If a person fails or refuses to obey such order, he shall be guilty of contempt of court.

II. If any person willfully refuses to make available any books, papers, records or memoranda for examination by the commissioner or his representative or willfully refuses to attend and testify, the commissioner may apply to a judge in the superior court for the county where such person resides, for an order directing that person to comply with the commissioner's request for books, papers, records or memoranda or for his attendance and testimony. If the books, papers, records or memoranda required by the commissioner are in the custody of a corporation, the order of the court may be directed to any principal officer of such corporation. If a person fails or refuses to obey such order, he shall be guilty of contempt of court.

77-E:43 Transferees.

I. The liability, at law or in equity, of a transferee of property of a taxpayer for any tax, addition to tax, penalty, or interest due the commissioner under this chapter shall be assessed, paid and collected in the same manner and subject to the same provisions and limitations as in the case of the tax to which the liability relates except as otherwise provided in this section. The term transferee includes donee, heir, legatee, devisee, and distributee.

II. In the case of the liability of an initial transferee, the period of limitation for assessment of any liability is within one year after the expiration of period of limitation against the transferor; in the case of the liability of a transferee to a transferee, within one year after the expiration of the period of limitation against the preceding

transferee, but not more than 3 years after the expiration of the period of limitation for assessment against the original transferor; except that if, before the expiration of the period of limitation for the assessment of the liability of the transferee, a proceeding for the collection of the liability has been begun against the initial transferor of the last preceding transferee, respectively, then the period of limitation for assessment of the liability of the transferee shall expire one year after the proceeding is terminated.

III. If any person is deceased, the period of limitation for assessment against such person shall be the period that would be in effect had death not occurred.

#### 77-E:44 Jeopardy Assessments.

I. If the commissioner finds that the assessment or the collection of a tax or a deficiency for any year, current or past, will be jeopardized in whole or in part by delay, he may mail or issue notice of his finding to the taxpayer, together with a demand for immediate payment of the tax or the deficiency declared to be in jeopardy, including additions to tax, interest and penalties.

II. In the case of a tax for a current period, the commissioner shall declare the taxable period of the taxpayer immediately terminated, and his notice and demand for a return and immediate payment of the tax shall relate to the period declared terminated, including income accrued and deductions incurred up to the date of termination if not otherwise properly includible or deductible with respect to the period.

III. A jeopardy assessment is immediately due and payable, and proceedings for collection may be commenced at once. The taxpayer, however, may stay collection and prevent the jeopardy assessment from becoming final by filing, within 10 days after the date of mailing or issuing the notice of jeopardy assessment, a request for reassessment, accompanied by a bond or other security in the amount of the assessment including additions to tax, penalties, and interest as to which the stay of collection is sought. If a request for reassessment, accompanied by a bond or other security on the appropriate amount, is not filed within the 10-day period, the assessment becomes final.

IV. If a request for reassessment accompanied by a bond or other security is filed within the 10-day period, the commissioner shall reconsider the assessment; and, if the taxpayer has so requested in his petition, the commissioner shall grant him or his authorized representatives an oral hearing. The commissioner's action on the request for reassessment becomes final upon the expiration of 30 days from the date when he mails notice of his action to the taxpayer unless, within that 30-day period, the taxpayer files an application to seek judicial review of the commissioner's determination.

V. In any proceeding brought to enforce payment of taxes made due and payable by this section, the finding of the commissioner under paragraph I is for all purposes presumptive evidence that the assessment or collection of the tax or deficiency was in jeopardy.

VI. The commissioner may abate the jeopardy assessment if he finds that jeopardy does not exist.

#### 77-E:45 Bankruptcy or Receivership.

I. Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or any state or territory or of the District of Columbia, any deficiency, together with additions to tax and interest provided by law, determined by the commissioner may be immediately assessed.

II. Claims for the deficiency and such additions to tax and interest may be presented for adjudication in accordance with law to the court before which the bank-

ruptcy or receivership proceeding is pending. No protest against a proposed assessment shall be filed with the commissioner after the adjudication of bankruptcy or appointment of the receiver.

77-E:46 Unlawful Acts and Penalties.

I. The following acts or omissions are unlawful:

(a) Failing to make any return or declaration required by this chapter.

(b) Making, causing to be made or permitting to be made any false or fraudulent return or declaration of false statement in any return or declaration, with intent to defraud the state or to evade payment of the tax or any part of the tax imposed by this chapter.

(c) Making, causing to be made or permitting to be made any false entry in books, records or accounts with intent to defraud the state or to evade the payment of the tax or any part of the tax imposed by this chapter.

II. Any person who violates this section shall be guilty of a misdemeanor.

77-E:47 Examination of Books and Witnesses. The commissioner shall have the power to examine or to cause to have examined, by any agent or representative designated by him for that purpose, any books, papers, records or memoranda bearing upon the matters required to be included in the return and may require the attendance of the person rendering the return or any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take testimony and require proof material for his information, with power to administer oaths to such person or persons. Such examination shall be for the purpose of ascertaining the correctness of any return, or for making an estimate of the taxable income of any person.

77-E:48 Secrecy of Returns and Information.

I. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the commissioner or any officer or employee of the department, any person engaged or retained by the department on an independent contract basis, or any person who, pursuant to this section, is permitted to inspect any report or return or to whom a copy, an abstract or a portion of any report or return is furnished, to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this chapter.

II. The officers charged with the custody of reports and returns in paragraph I shall not be required to produce any such reports or returns or any evidence of anything contained in them in any action or proceeding in any court, except on behalf of the commissioner in an action or proceeding under the provisions of the tax law to which he is a party, or except on behalf of any party to any action or proceeding under the provisions of this chapter when the reports or facts shown thereby are directly involved in such action or proceeding.

III. In the event that a report or return, or any evidence contained therein, shall be produced on behalf of the commissioner or on behalf of any party as provided in paragraph II, the court may require the production of, and may admit into evidence, only so much of said reports or of the facts contained in them, as are pertinent to the action or proceeding. Nothing in this section shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return or report filed in connection with his tax or to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items contained in them, or the inspection by the attorney general or other legal representa-



tives of the state of the report or return of any taxpayer who shall bring an action to review the tax based on it, or against whom an action or proceeding for collection of tax has been instituted.

IV. Any person who violates the provisions of this section shall be guilty of a misdemeanor. If the violator is an officer or employee of the state, he shall be dismissed from office and be ineligible to hold any public office in this state for a period of 5 years.

77-E:49 Cooperation with the United States and Other States. Notwithstanding the provisions of 77-E:46, the commissioner may permit the Secretary of the Treasury of the United States or his delegates, or the proper officer of any state imposing an income tax upon the incomes of individuals, or the authorized representative of either such officer, to inspect the income tax returns of any individual. The commissioner may also furnish to such officer or his authorized representative an abstract of the return of income of any individual or supply him with information concerning an item of income contained in any return, or disclosed by the report of any investigation of the income or return of income of any individual. Such permission shall be granted only if the statutes of the United States or of the various states grant substantially similar privileges to the commissioner as the officer charged with the administration of the tax imposed by this chapter. Inspection shall be permitted only for purposes of enforcing a tax law and only to the extent and under the conditions prescribed by the rules adopted by the commissioner.

77-E:50 Reports and Returns Preserved. Reports and returns required to be filed under RSA 77-E:10, 77-E:17, 77-E:18, 77-E:20, and 77-E:24 shall be preserved for 3 years and thereafter until the commissioner orders them to be destroyed.

77-E:51 Closing Agreements.

I. The commissioner, or any person authorized in writing by him, is authorized to enter into an agreement with any person relating to the liability of such person, or of the person or estate for whom he acts, in respect to the tax imposed by this chapter for any taxable period.

II. If a closing agreement is approved within such time as may be stated in such agreement or later agreed to, the agreement shall be final and conclusive and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact:

(a) The case shall not be reopened as to matters agreed upon nor shall be modified by any officer, employee or agent of this state; and

(b) In any suit, action or proceeding under such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance with it, the agreement shall not be annulled, modified, set aside or disregarded.

77-E:52 Levy Power.

I. The levy power of the commissioner under this section shall be exercised in accordance with the duties of the division of collections under RSA 21-J:8.

II. If any person liable to pay any tax neglects or refuses to pay the same within 10 days after notice and demand, it shall be lawful for the commissioner or his delegate to collect such tax and such further sum as shall be sufficient to cover the expenses of the levy, by levy upon all property and rights to property belonging to such person or on which the department has secured a lien for the payment of such tax. If the commissioner or his designee makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the commissioner or his designee and, upon failure or refusal to pay such tax,

collection thereof by levy shall be lawful without regard to the 10-day period provided in this paragraph.

III. The term "levy" as used in this section includes the power of distraint and seizure by any means. A levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the commissioner or his designee may levy upon property or rights to property, he may seize and sell such property or rights to property whether real or personal, tangible or intangible.

IV. Whenever any property or right to property upon which levy has been made by virtue of paragraph II is not sufficient to satisfy the claim of the state for which levy is made, the commissioner or his designee may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

V. In those cases in which the commissioner or his designee is authorized to impose a lien on a person's salary or wages, levy may be made under paragraph I upon such salary or wages with respect to any unpaid tax only after the commissioner or his designee has notified such person in writing of his intention to make such levy. Such notice shall be given in person, left at the dwelling or usual place of business of such person, or shall be sent by mail to such person's last known address no less than 10 days before the day of the levy. No additional notice shall be required in the case of successive levies with respect to such tax. If the commissioner or his designee makes a finding under paragraph II that the collection of tax is in jeopardy, then the levy on salary or wages may be made without complying with the notice requirements provided in this paragraph.

2 Estimated Tax Payments. Amend RSA 21-J:33-a, I to read as follows:

I. If there is a substantial understatement of tax imposed under **RSA 77-E**, **RSA 77**, **RSA 77-A**, **RSA 78-A**, **RSA 78-C**, **RSA 82-A**, or **RSA 83-C**, for any taxable period, there shall be added to the tax an amount equal to 25 percent of the amount of any underpayment attributable to such understatement.

3 Appropriation. There is hereby appropriated to the department of revenue administration for the fiscal year ending June 30, 1992, the sum of \$1,500,000, to be expended for the purpose of the administration of the tax imposed by section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 First Taxable Year of Income Tax; Application and Referendum.

I. The first taxable period under **RSA 77-E**, as inserted by section 1 of this act, begins July 1, 1991, and ends December 31, 1992. Thereafter, the taxable period under **RSA 77-E** shall begin on January 1 and end on December 31 of each calendar year. Persons liable for a tax during the first taxable period and who do not report the payment of federal income taxes on a calendar year basis are entitled to such proportion of the exemptions allowed in **RSA 77-E** as the period bears to their taxable year. The determination of the tax shall be made under rules adopted by the commissioner under **RSA 541-A**, consistent with the general purposes and provisions of **RSA 77-E**. Persons required to make information returns for the first taxable period shall make them on a proportional basis in such form as the commissioner requires.

II. The provisions of **RSA 77-E** as inserted by section 1 of this act shall not be amended or repealed unless specific legislation requiring an amendment or a repeal is passed by 2/3 of those voting in both the house and the senate, and signed into law by the governor.

5 Returns for Certain Taxes. All persons who are liable for taxes under RSA 77 and RSA 77-A as of June 30, 1991, who thereafter become exempt from taxes under RSA 77 and 77-A because of the passage of this act shall make a return of such taxes due the commissioner of revenue administration in such manner and on such forms as the commissioner shall prescribe in rules adopted under RSA 541-A. The administrative provisions of RSA 77 shall remain in effect to permit the collection of taxes upon income taxable under RSA 77 which is received by persons subject to taxation under that chapter through June 30, 1991, and to permit the distribution of that revenue. Persons who are liable for a tax under RSA 77 who do not report the payment of federal income taxes on a calendar year basis are entitled to such proportion of the exemptions allowed in RSA 77 as the reporting period bears to their taxable year.

6 Repeal. RSA 77, relative to the taxation of incomes, is repealed.

7 Repeal. The following are repealed:

I. RSA 76:3 and 78:20, relative to a state tax.

II. RSA 77-A:4, I, relative to an adjustment to business profits.

III. RSA 261:52-a, relative to notice that the interest and dividends tax may be due.

IV. RSA 391:3, relative to the taxation of common trust funds under RSA 77.

8 Effective Date.

I. Sections 5 and 6 of this act shall take effect upon its passage, and shall apply to returns and taxes due on account of taxable periods ending after June 30, 1991.

II. The remainder of this act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill imposes a tax of one percent on the entire gross income for federal income tax purposes, with certain credits, of resident and nonresident individuals and on the income from estates and trusts.

The revenue received from the tax is first used to balance any deficit in the state operating budget for the prior fiscal year. The remaining balance is then distributed annually to cities and towns for such purposes as they shall determine.

The administrative costs of the tax are paid for from the revenues of the tax. An appropriation is made for administrative costs for the first fiscal year of the tax.

The bill repeals RSA 77, the tax on income from interest and dividends.

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Jasper spoke against and yielded to questions.

Rep. Douglas Hall spoke in favor and yielded to questions.

Rep. Thomas Christie spoke against.

Rep. Weeks spoke in favor and yielded to questions.

Rep. Teschner spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 83**

**NAYS 267**

**YEAS 83  
BELKNAP**

Campbell, Richard H., Jr. Maviglio, Steven R.

Vogler, Charles C.

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel M.  
 Doucette, Richard F.  
 Kingsbury, H. Thayer  
 Pratt, Irene A.

Champagne, Richard L.  
 Foster, Katherine D.  
 Lynch, Margaret A.  
 Sawyer, Alfred P.

Clark, Eugene W.  
 Kennison, Wayne A.  
 Perry, David M.

**COOS**

Hawkinson, Marie C.

Kilbride, Dennis J.

Nelson, Harold D.

**GRAFTON**

Arnesen, Deborah L.  
 Larson, Nils H., Jr.  
 Scanlan, David M.

Brown, Patricia B.  
 McIlwaine, Deborah P.  
 Stewart, Roger D.

Guest, Robert H.  
 Nordgren, Sharon L.  
 Ward, Kathleen W.

**HILLSBOROUGH**

Baker, George H., Sr.  
 Ford, Nancy M.  
 Johnson, Lionel W.  
 Lown, Elizabeth D.  
 Peters, Stanley W.

Baldizar, Barbara J.  
 Gureckis, Adam C., Sr.  
 Lachut, Ervin R.  
 Messier, Irene M.  
 Smith, Leonard A.

Clemons, Jane A.  
 Haettenschwiller, Alphonse  
 Laughlin, J. Francis  
 Moore, Elizabeth A.  
 White, John M.

**MERRIMACK**

Dunn, Miriam D.  
 Hager, Elizabeth S.  
 Kidder, William F.  
 Wallner, Mary Jane  
 Yeaton, Charles B.

Fair, Patricia A.  
 Hall, Douglas E.  
 Lockwood, Robert A.  
 Weeks, John F., Jr.

Fillion, Paul R.  
 Jacobson, Alf E.  
 Teague, Bert  
 Whittemore, James A.

**ROCKINGHAM**

Campbell, Marilyn R.  
 Hoar, John, Jr.  
 Rosencrantz, James R.

Clark, Martha Fuller  
 Kane, Cecelia D.  
 Vaughn, Charles L.

Greene, Elizabeth A.  
 McGovern, Cynthia A.

**STRAFFORD**

Flynn, Edward J.  
 Jankowski, Peter M.  
 Marston, Robert E.  
 O'Brien, John  
 Wall, Janet G.

Gilmore, Gary R.  
 Keans, Sandra B.  
 Martling, W. Kent  
 Pageotte, Donald P.  
 Wheeler, Katherine W.

Hashemi, Elaine M.  
 Kincaid, William K.  
 Merrill, Amanda A.  
 Spencer, Leo J.

**SULLIVAN**

Burling, Peter Hoe  
 Lindblade, Eric N.  
 Walsh, Robert R.

Flint, Gordon B.  
 Schotanus, Merle W.

Harland, Jane A.  
 Tctu, Michael A.

**NAYS 267  
BELKNAP**

Accornero, Harry  
 Dewhirst, Glenn E.  
 Johnson, Carl R.  
 Rosen, Ralph J.  
 Turner, Robert H.

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Joseelyn, William W.  
 Salatiello, Thomas B.  
 Zaharchuk, Peter J., Jr.

Cain, Thomas G.  
 Holbrook, Robert G.  
 Rice, Thomas E. P., Jr.  
 Shibley, Arnold P.  
 Ziegler, Alice S.



**CARROLL**

Beach, Mildred A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Dickinson, Howard C.  
Jean, Robert R.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

**CHESHIRE**

Cole, Stacey W.  
Feuer, Joseph N.  
Hunt, John B.  
Metzger, Katherine H.

Crutchley, Donald O.  
Grodin, Richard A.  
LaMar, David M.  
Morse, Jo Ann T.

DePecol, Benjamin J.  
Hogan, James B.  
Laurent, John J.  
Spear, Susan S.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Mayhew, Josephine  
Pratt, Leighton C.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Merrill, Gerald P.  
Theriault, Romeo J.

Coulombe, Henry W.  
Marsh, Beaton  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Chambers, Mary P.  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
White, Paul R.

Bean, Pamela B.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Shackett, Ralph E.  
Wadsworth, Karen O.

Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.  
Teschner, Douglass P.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ackerman, Philip M.  
Amidon, Eleanor H.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cote, David E.  
Daigle, Robert A.  
Desrosiers, William J.  
Donovan, Francis X.  
Durham, Susan B.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Goulet, Maurice E.  
Hall, Betty B.  
Holden, Carol H.  
Jasper, Shawn N.  
Kelley, Robert N.  
L'Heureux, Robert J.  
Leclerc, Charles J.  
Martin, Mary Ellen  
McDowell, James E.  
Murphy, Robert E.  
Ouellette, Robert O.  
Pepino, Leo P.

Ahrens, Frederick G.  
Andrews, Frederick B.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Fenton, James J.  
Fields, Dennis H.  
Gagnon, Gabrielle V.  
Green, Scott E.  
Hanselman, Gregory L.  
Hultgren, David D.  
Keane, Cornelius J.  
King, Frank P.  
Lawrence, Eva M.  
Lefebvre, Roland J.  
Mason, Howard F.  
McNerney, Daniel P.  
Nardi, Theodora P.  
Packard, Bonnie B.  
Pignatelli, Debora B.

Alukonis, David J.  
Arnold, Barbara E.  
Buckley, Raymond  
Cook, Valerie S.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Dyer, Merton S.  
Ferguson, Charles  
Gage, Ruth E.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Healy, Walter F.  
Janas, Gregory  
Kelley, Dana F.  
Kurk, Neal M.  
Lawrence, Norman B.  
Lozeau, Donnalee M.  
McCann, Bonnie Lou  
Mercer, Robert S.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Record, Alice B.

Reidy, Frank J.  
 Robinson, Ellen-Ann  
 Sallada, Roland A.  
 Stiles, Walter A.  
 Vanderlosk, Stanley R.  
 Wright, George W.

Rheault, Lillian I.  
 Rodgers, G. Philip  
 Searles, Stanley N., Sr.  
 Tarpley, Nancy L.  
 Wheeler, David K.

Riley, Frances L.  
 Rothhaus, Finlay C.  
 Soucy, Donna M.  
 Turgeon, Roland M.  
 Wheeler, Robert L.

### MERRIMACK

Asplund, Bronwyn L.  
 Braiterman, Thea  
 Chandler, John P.  
 Gross, Caroline L.  
 Holmes, Mary C.  
 Johnson, Joyce M.  
 Molner, Mary E.  
 Soldati, Jennifer G.  
 Trombly, Rick A.

Barberia, Richard A.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Hayes, Robert C.  
 Jelley, Francis D.  
 Letourneau, George E.  
 Nichols, Avis B.  
 Stapleton, Henry F.

Boucher, Laurent J.  
 Chandler, Earle W.  
 Daneault, Gabriel J.  
 Hill, Michael J.  
 Johnson, C. William  
 Lewis, Mary Ann  
 Smith, Gerald R.  
 Stio, Peter M.

### ROCKINGHAM

Barnes, John S., Jr.  
 Boucher, William P.  
 Chase, Lawrence A., Jr.  
 Coffey, John J.  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Dube, LeRoy S.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Hynes, Carolyn E.  
 Keith, Brenda E.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Pantelakos, Laura C.  
 Schanda, Joseph, Sr.  
 Seward, Russell G.  
 Smith, Arthur W.  
 Sytek, John J.  
 Tufts, Arthur  
 Woods, Deborah L.

Bell, Juanita L.  
 Brown, Jeffrey M.  
 Christie, Andrew, Jr.  
 Connell, David R.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Falwell, Robert V.  
 Flanders, David A.  
 Ford, Bert H.  
 Hurst, Sharleene P.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Schmidtchen, Rowland H.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Welch, David A.

Benton, Richardson D.  
 Bucu, Stephen W.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Gage, Beverly A.  
 Hutchinson, Karen K.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 Palazzo, Frank J.  
 Rubin, George R.  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

### STRAFFORD

Appleby, James E.  
 Brown, Julie M.  
 Foss, Patricia H.  
 Kinney, Paula J.  
 Nehring, William H.  
 Sullivan, Henry P.  
 Torr, Ralph W.

Bernard, Mary E.  
 Corte, Arthur B.  
 Frechette, Roland A.  
 McCann, William H., Jr.  
 Parks, Joe B.  
 Swope, Warren L.  
 Tsiros, William

Bickford, Drucilla  
 Douglass, Clyde J.  
 Hambrick, Patricia A.  
 Messier, Donald R.  
 Pelley, Janet R.  
 Torr, Ann M.  
 Young, John B.

**SULLIVAN**

|                       |                      |                     |
|-----------------------|----------------------|---------------------|
| Behrens, Thomas A.    | Domini, Irene C.     | Krueger, Richard H. |
| Middleton, John A.    | Peyron, Fredrik      | Porter, Robert H.   |
| Rodeschin, Beverly T. | Stamatakis, Carol M. |                     |

and the floor amendment failed.

Rep. Malcolm notified the Clerk that he wished to be recorded in opposition to the floor amendment.

The question being on the Committee amendment.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to certain state taxes and  
making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of Legacies and Successions Tax Increased. Amend RSA 86:6, I to read as follows:

I. All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciliaries of the state; and all real estate within the state, or any interest therein, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by the laws regulating intestate successions, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be subject to a tax of [15] 18 percent of its value for the use of the state, except as provided in paragraphs II and III and RSA 86:9-a.

2 Legislative Intent. By the enactment of sections 2-9 of this act, the general court intends to exercise its authority under Part II, Article 6 of the New Hampshire constitution, to raise a portion of the public charges of government by taxation upon polls, that is, to levy a poll tax of a fixed amount on every person of the class specified in section 2 of this act. The general court further intends to exercise its discretion as to the persons who should be taxed for their polls, and to levy such a tax proportionally and reasonably on all such persons within the designated class, defined in section 3 of this act as business organizations. The general court determines that business organizations have distinctive characteristics and carry on activities which draw distinctive benefits from and impose distinctive burdens upon the operations of government. The general court does not intend by this enactment to levy a tax on property, nor to exact a fee for a special privilege or for special regulatory activity.

3 Business Tax Imposed upon Business Organizations. A tax of \$150 shall be assessed upon every business organization, as defined in RSA 77-A:1, I, with gross business income, as defined in RSA 77-A:1, VI, in excess of \$12,000.

4 Payment. The tax imposed by section 3 of this act shall be assessed annually, and is due and payable on November 15, 1991, and on November 15, 1992.

5 Informational Filing. Each business organization subject to section 3 of this act shall provide to the commissioner of revenue administration, at a minimum, the following:

I. The name and tax identification number (T.I.N.) of the business organization.

II. Any other names or trade names the business organization may use in conducting business within this state or which it uses in filing tax returns relative to conducting business in this state.

III. The address of the principal office of the business organization within this state.

IV. A brief statement of the purpose for which the business organization is organized, including the Standard Industrial Classification System (SIC code).

6 Interest; Penalties. Any business organization which fails to make the payments with a return as required by sections 3-5 of this act when due shall pay interest and penalties as prescribed in RSA 21-J.

7 Administration.

I. The commissioner of revenue administration shall collect the taxes, interest, additions to tax and penalties imposed under sections 2-9 of this act.

II. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax or the penalties imposed by sections 2-9 of this act.

III. In the collection of the tax imposed by section 3 of this act, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by section 3 of this act shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to him. The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under section 3 of this act, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw his warrant for the purchase price out of any money in the treasury not otherwise appropriated.

8 Business Organizations Discontinuing Business. No business organization may be dissolved or discontinue doing business in the state until all taxes and interest imposed upon the business organization under sections 2-9 of this act are paid.

9 Lien for Tax. No lien upon real estate for taxes imposed by section 3 of this act is valid and binding against any person other than the taxpayer until notice of such lien stating the name and address of the taxpayer and the amount of the tax due shall have been filed and recorded in the registry of deeds in the grantor index in the county in which such real estate is located. Notwithstanding the provisions of any other law, the lien shall continue and shall be valid and binding until the liability for the sum, with interest and costs, is satisfied or becomes unenforceable.

10 Statement of Purpose; Change in Communications Services to be Taxed. Amend RSA 82-A:1 to read as follows:

82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax on those who use [2-way] communications services. It is also the intent of the general court that basic communications services essential to public health, safety, and welfare shall not be subject to the tax imposed by this chapter.

11 Communications Services Redefined. Amend RSA 82-A:2, III to read as follows:

III. "Communications services" means services for transmitting, emitting, or receiving signs, signals, writing, images, sounds or intelligence of any nature by any electromagnetic system capable of [2-way] communication and includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services and networks, whether leased, rented or



owned; channel services; telegraph services; teletypewriter services; cable television *services*; *community antenna television*; computer exchange services; cellular mobile telecommunications services; facsimile services; specialized mobile radio; stationary [2-way] radio; paging services; or any other form, whether stationary, portable or mobile[, of 2-way] communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. "Communications services" shall not include:

(a) Value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission; *or*

(b) Purchases of communications services by a communications services provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications, including carrier access charges, right of access charges, charges for use of inter-company facilities, and all communications services resold in the subsequent provision of, used as a component of, or integrated into end-to-end communications services; *or*

(c) The one-way transmission of [radio or television programming, by cable, broadcast, satellite, microwave or similar facility, which is made available generally to any person able to receive such transmission, together with the interaction, if any, of such person required for the selection of such programming other than by use of the same facility by which such transmission was received] *paging, signalling or beeping services utilized by persons with life threatening medical conditions for the purpose of transmitting emergency medical signals to emergency personnel or facilities*; *or*

(d) *Video rentals.*

12 Rate of Communications Services Tax Increased. Amend RSA 82-A:3 and 82-A:4 to read as follows:

82-A:3 Imposition of Tax; Intrastate Communications Services. A tax is imposed upon intrastate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of [3] **4** percent of the gross charge therefor. However, such tax is not imposed on any communications services to the extent a tax on such services may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state.

82-A:4 Imposition of Tax; Interstate Communications Services. A tax is imposed upon interstate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of [3] **4** percent of the gross charge when such service is originated in this state and terminated outside this state or originated outside this state and terminated in this state. To prevent actual multi-state taxation of communications services that are subject to taxation under this section, any taxpayer, upon proof that taxpayer has paid a tax in another state on such services, shall be allowed a credit against the tax imposed in this section to the extent of the amount of such tax properly due and paid in such other state. However, such tax is not imposed on communications services to the extent such services may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state.

13 Supplemental Appropriation: Department of Revenue Administration. In addition to any other sums appropriated to the department of revenue administration, the sum of \$148,000 is hereby appropriated for the fiscal year ending June 30, 1992, and

the sum of \$50,600 is hereby appropriated for the fiscal year ending June 30, 1993, for the purposes of administering sections 2-9 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

14 Rate of Tax for Biennium Ending June 30, 1993. Communications Services Tax. For the period beginning July 1, 1991, and ending June 30, 1993, there is imposed a surcharge of 50 percent on the tax imposed under RSA 82-A:3 and 82-A:4 on the gross charge for communications services purchased at retail from a retailer.

15 Severability. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this end the provisions of this act are severable.

16 Effective Date.

I. Sections 1-9 and sections 13-15 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect for gross charges collected from the taxpayer by a retailer for communications services purchased at retail on or after July 1, 1991.

#### AMENDED ANALYSIS

This bill amends state taxes as follows:

(1) The bill increases the rate of the legacies and successions tax from 15 to 18 percent.

(2) The bill levies a poll tax of \$150 on every business organization with gross business income in excess of \$12,000. The tax is imposed on a temporary basis, with 2 annual payments to be made on November 15, 1991, and on November 15, 1992.

The bill makes supplemental appropriations to the department of revenue administration of \$148,000 for the fiscal year ending June 30, 1992, and \$50,600 for the fiscal year ending June 30, 1993, for the purpose of administering the poll tax.

(3) The bill removes the 2-way communications limitation in the definition of "communication services" under the communications services tax. The bill exempts from the definition of "communications services" (a) certain devices for transmitting emergency medical signals used by persons with life threatening medical conditions, and (b) video rentals. The bill also extends the increased rate for the communications services tax for the biennium ending June 30, 1993.

Rep. Donna Sytek requested that the question be divided.

The Chair ruled that the question was divisible.

The question was on Section 1, the Estate and Legacy Tax.

Rep. Donna Sytek spoke in favor.

Roll call request sufficiently seconded.

#### YEAS 211

#### NAYS 139

#### YEAS 211 BELKNAP

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Rosen, Ralph J.  
Vogler, Charles C.

Cain, Thomas G.  
Hawkins, Robert S.  
Maviglio, Steven R.  
Shibley, Arnold P.  
Ziegler, Alice S.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

**CARROLL**

Beach, Mildred A.  
Foster, Robert W.

Bradley, Jeb E.  
Saunders, Howard N.

Chandler, Gene G.

**CHESHIRE**

Cole, Stacey W.  
Foster, Katherine D.  
Hunt, John B.  
Metzger, Katherine H.  
Spear, Susan S.

Crutchley, Donald O.  
Grodin, Richard A.  
LaMar, David M.  
Perry, David M.

Feuer, Joseph N.  
Hogan, James B.  
Laurent, John J.  
Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
Marsh, Beaton  
Nelson, Harold D.

Guay, Lawrence J.  
Mayhew, Josephine  
Oliver, Terry D.

Horton, Lynn C.  
Merrill, Gerald P.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
Lougee, Richard W.  
Scanlan, David M.  
Teschner, Douglass P.  
Ward, Kathleen W.

Arnesen, Deborah L.  
Brown, Patricia B.  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Shackett, Ralph E.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Bean, Pamela B.  
Chambers, Mary P.  
LaMott, Paul I.  
Nordgren, Sharon L.  
Stewart, Roger D.  
Wadsworth, Karen O.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Bowers, Dorothy C.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Dyer, Merton S.  
Ford, Nancy M.  
Green, Scott E.  
Holden, Carol H.  
Kelley, Dana F.  
Lawrence, Eva M.  
Mason, Howard F.  
Mercer, Robert S.  
Peters, Stanley W.  
Rheault, Lillian I.  
Sallada, Roland A.  
Stiles, Walter A.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Baker, George H., Sr.  
Calawa, Leon, Jr.  
Desrosiers, William J.  
Drolet, Paul L.  
Ferland, Arthur P.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Hultgren, David D.  
Kelley, Robert N.  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
Moore, Elizabeth A.  
Pignatelli, Debora B.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.

Andrews, Frederick B.  
Bourque, Ann J.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Durham, Susan B.  
Fields, Dennis H.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.  
Jasper, Shawn N.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Murphy, Robert E.  
Record, Alice B.  
Rodgers, G. Philip  
Smith, Leonard A.  
Vanderlosk, Stanley R.

**MERRIMACK**

Asplund, Bronwyn L.  
Chandler, Earle W.  
Fillion, Paul R.  
Hall, Douglas E.  
Holmes, Mary C.

Boucher, Laurent J.  
Chandler, John P.  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William

Carter, Susan D.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, Joyce M.

Kidder, William F.  
Lockwood, Robert A.  
Smith, Gerald R.  
Stio, Peter M.

Letourneau, George E.  
Molner, Mary E.  
Soldati, Jennifer G.

Lewis, Mary Ann  
Nichols, Avis B.  
Stapleton, Henry F.

### ROCKINGHAM

Barnes, John S., Jr.  
Chase, Lawrence A., Jr.  
Coffey, John J.  
Cooke, Annette M.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Hoelzel, Kathleen M.  
Keith, Brenda E.  
Lovejoy, Virginia K.  
McKinney, Betsy  
Seward, Russell G.  
Syracusa, Anthony  
Terninko, Margaret B.  
Weyler, Kenneth L.

Benton, Richardson D.  
Christie, Andrew, Jr.  
Connell, David R.  
Cote, Patricia L.  
Drake, Herbert R.  
Flanders, David A.  
Gage, Beverly A.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
Magoon, Harold F.  
Schanda, Joseph, Sr.  
Simon, Peter M.  
Sytek, Donna P.  
Tufts, Arthur  
Woods, Deborah L.

Buco, Stephen W.  
Chulack, Peter G., Sr.  
Conroy, Janet M.  
DiPietro, Carmela M.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Greene, Elizabeth A.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
McCain, William F.  
Senter, Marilyn P.  
Skinner, Patricia M.  
Sytek, John J.  
Welch, David A.

### STRAFFORD

Appleby, James E.  
Brown, Julie M.  
Keans, Sandra B.  
Martling, W. Kent  
Parks, Joe B.  
Wall, Janet G.

Bernard, Mary E.  
Corte, Arthur B.  
Kinney, Paula J.  
McCann, William H., Jr.  
Torr, Ann M.  
Wheeler, Katherine W.

Bickford, Drucilla  
Frechette, Roland A.  
Marston, Robert E.  
Nehring, William H.  
Tsiros, William  
Young, John B.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Porter, Robert H.  
Stamatakis, Carol M.

Domini, Irene C.  
Middleton, John A.  
Rodeschin, Beverly T.

Flint, Gordon B.  
Peyron, Fredrik  
Schotanus, Merle W.

### NAYS 139

### BELKNAP

Accornero, Harry  
Zaharchuk, Peter J., Jr.

Joscelyn, William W.

Salatiello, Thomas B.

### CARROLL

Daly, Robert J., Jr.  
Jean, Robert R.

Dickinson, Howard C.  
Wiggin, Gordon E.

Dodge, A. Gibb, Jr.

### CHESHIRE

Burnham, Daniel M.  
Cole, Kenneth A.  
Kennison, Wayne A.  
Morse, Jo Ann T.

Champagne, Richard L.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Clark, Eugene W.  
Doucette, Richard F.  
Lynch, Margaret A.



**COOS**

Buckley, C. Fitzgerald  
Kilbride, Dennis J.

Coulombe, Henry W.  
Theriault, Romeo J.

Hawkinson, Marie C.

**GRAFTON**

Dow, David  
Larson, Nils H., Jr.

Driscoll, William J.  
McIlwaine, Deborah P.

Guest, Robert H.

**HILLSBOROUGH**

Ackerman, Philip M.  
Chasse, Richard D.  
Cote, David E.  
Daniels, Gary L.  
Dwyer, Patricia R.  
Ferguson, Charles  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Johnson, Lionel W.  
Kurk, Neal M.  
Lawrence, Norman B.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Packard, Bonnie B.  
Reidy, Frank J.  
Soucy, Donna M.  
White, John M.

Alukonis, David J.  
Clemons, Jane A.  
Crotty, Edward J.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Leclerc, Charles J.  
McDowell, James E.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Riley, Frances L.  
Turgeon, Roland M.  
Wright, George W.

Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Fenton, James J.  
Gagnon, Gabrielle V.  
Hall, Betty B.  
Janas, Gregory  
King, Frank P.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
Messier, Irene M.  
Ouellette, Robert O.  
Pepino, Leo P.  
Rothhaus, Finlay C.  
Wheeler, David K.

**MERRIMACK**

Barberia, Richard A.  
Daneault, Gabriel J.  
Jelley, Francis D.  
Wallner, Mary Jane  
Yeaton, Charles B.

Braiterman, Thea  
Dunn, Miriam D.  
Teague, Bert  
Weeks, John F., Jr.

Christie, Thomas J.  
Jacobson, Alf E.  
Trombly, Rick A.  
Whittemore, James A.

**ROCKINGHAM**

Bell, Juanita L.  
Campbell, Marilyn R.  
Dube, LeRoy S.  
Hoar, John, Jr.  
Kane, Cecelia D.  
Palazzo, Frank J.  
Rosencrantz, James R.  
Smith, Arthur W.

Boucher, William P.  
Clark, Martha Fuller  
Falwell, Robert V.  
Hutchinson, Karen K.  
MacDonald, Joseph A.  
Pantelakos, Laura C.  
Rubin, George R.  
Thayer, Leroy C.

Brown, Jeffrey M.  
Dowling, Patricia A.  
Ford, Bert H.  
Hynes, Carolyn E.  
McGovern, Cynthia A.  
Raynowska, Bernard J.  
Schmidtchen, Rowland H.  
Vaughn, Charles L.

**STRAFFORD**

Douglass, Clyde J.  
Gilmore, Gary R.  
Jankowski, Peter M.  
Messier, Donald R.  
Pelley, Janet R.  
Swope, Warren L.

Flynn, Edward J.  
Hambrick, Patricia A.  
Kincaid, William K.  
O'Brien, John  
Spencer, Leo J.  
Torr, Ralph W.

Foss, Patricia H.  
Hashem, Elaine M.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Sullivan, Henry P.

**SULLIVAN**

Burling, Peter Hoe  
Tetu, Michael A.

Harland, Jane A.  
Walsh, Robert R.

Lindblade, Eric N.

and Section 1 was adopted.

Rep. Malcolm notified the Clerk that he wished to be recorded in favor of Section 1.

The question being on Sections 12 and 14, the Communications Tax.

Rep. Cowenhoven spoke in favor.

Rep. Burling spoke against.

Rep. Ward spoke in favor.

Rep. Gross spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

**YEAS 183****NAYS 171****YEAS 183  
BELKNAP**

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

Cain, Thomas G.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

**CARROLL**

Beach, Mildred A.  
Dodge, A. Gibb, Jr.

Bradley, Jeb E.  
Foster, Robert W.

Chandler, Gene G.  
Saunders, Howard N.

**CHESHIRE**

Cole, Stacey W.  
Grodin, Richard A.  
LaMar, David M.  
Perry, David M.

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Sawyer, Alfred P.

Feuer, Joseph N.  
Hunt, John B.  
Metzger, Katherine H.

**COOS**

Brungot, Catherine V.  
Marsh, Beaton  
Nelson, Harold D.

Guay, Lawrence J.  
Mayhew, Josephine

Horton, Lynn C.  
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Loungee, Richard W.  
Shackett, Ralph E.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Bean, Pamela B.  
Driscoll, William J.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Wadsworth, Karen O.

Brown, Channing T.  
Hill, Richard L.  
Scanlan, David M.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Cowenhoven, Garret P.  
Donovan, Francis X.  
Dyer, Merton S.  
Ford, Nancy M.  
Greenglass, Alan B.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Desrosiers, William J.  
Drolet, Paul L.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.

Andrews, Frederick B.  
Calawa, Leon, Jr.  
Dodge, Emma M.  
Durham, Susan B.  
Fields, Dennis H.  
Goulet, Maurice E.  
Holden, Carol H.

Jasper, Shawn N.  
 Lachut, Ervin R.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Moore, Elizabeth A.  
 Record, Alice B.  
 Rodgers, G. Philip  
 Smith, Leonard A.  
 Vanderlosk, Stanley R.

Kelley, Dana F.  
 Lawrence, Eva M.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Rheault, Lillian I.  
 Sallada, Roland A.  
 Stiles, Walter A.  
 Wheeler, Robert L.

Kelley, Robert N.  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Searles, Stanley N., Sr.  
 Tarpley, Nancy L.

### MERRIMACK

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lewis, Mary Ann  
 Stapleton, Henry F.  
 Whittemore, James A.

Boucher, Laurent J.  
 Chandler, John P.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Stio, Peter M.

Carter, Susan D.  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Kidder, William F.  
 Nichols, Avis B.  
 Teague, Bert

### ROCKINGHAM

Barnes, John S., Jr.  
 Chase, Lawrence A., Jr.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Hurst, Sharleene P.  
 Klemarczyk, Thaddeus E.  
 McCain, William F.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Weyler, Kenneth L.

Benton, Richardson D.  
 Coffey, John J.  
 Cooke, Annette M.  
 Drake, Herbert R.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Woods, Deborah L.

Buco, Stephen W.  
 Connell, David R.  
 Cote, Patricia L.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Magoon, Harold F.  
 Seward, Russell G.  
 Syracuse, Anthony  
 Tufts, Arthur

### STRAFFORD

Appleby, James E.  
 Brown, Julie M.  
 Frechette, Roland A.  
 Martling, W. Kent  
 Swope, Warren L.  
 Young, John B.

Bernard, Mary E.  
 Corte, Arthur B.  
 Keans, Sandra B.  
 Nehring, William H.  
 Torr, Ann M.

Bickford, Drucilla  
 Foss, Patricia H.  
 Kinney, Paula J.  
 Parks, Joe B.  
 Tsiros, William

### SULLIVAN

Behrens, Thomas A.  
 Krueger, Richard H.  
 Porter, Robert H.  
 Stamatakis, Carol M.

Domini, Irene C.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Flint, Gordon B.  
 Peyron, Fredrik  
 Schotanus, Merle W.

### NAYS 171

### BELKNAP

Accornero, Harry  
 Salatiello, Thomas B.

Joscelyn, William W.  
 Zaharchuk, Peter J., Jr.

Maviglio, Steven R.

**CARROLL**

Daly, Robert J., Jr.  
Wiggin, Gordon E.

Dickinson, Howard C.

Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Foster, Katherine D.  
Lynch, Margaret A.

Champagne, Richard L.  
DePecol, Benjamin J.  
Kennison, Wayne A.  
Pratt, Irene A.

Clark, Eugene W.  
Doucette, Richard F.  
Kingsbury, H. Thayer  
Spear, Susan S.

**COOS**

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Theriault, Romeo J.

Coulombe, Henry W.  
Oliver, Terry D.

Hawkinson, Marie C.  
Pratt, Leighton C.

**GRAFTON**

Arnesen, Deborah L.  
Dow, David  
Larson, Nils H., Jr.  
Nordgren, Sharon L.

Chambers, Mary P.  
Guest, Robert H.  
Markley, J. Keith  
White, Paul R.

Copenhaver, Marion L.  
LaMott, Paul I.  
McIlwaine, Deborah P.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baldizar, Barbara J.  
Chasse, Richard D.  
Cote, David E.  
Daniels, Gary L.  
Drabinowicz, A. Theresa  
Fenton, James J.  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Johnson, Lionel W.  
Kurk, Neal M.  
Lawrence, Norman B.  
Martin, Mary Ellen  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Soucy, Donna M.  
White, John M.

Alukonis, David J.  
Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Dwyer, Patricia R.  
Ferguson, Charles  
Gosselin, Gerald O.  
Hall, Betty B.  
Hultgren, David D.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Leclerc, Charles J.  
McDowell, James E.  
Ouellette, Robert O.  
Pepino, Leo P.  
Riley, Frances L.  
Turgeon, Roland M.  
Wright, George W.

Baker, George H., Sr.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Gage, Ruth E.  
Green, Scott E.  
Hanselman, Gregory L.  
Janas, Gregory  
King, Frank P.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
Nardi, Theodora P.  
Packard, Bonnie B.  
Pignatelli, Debora B.  
Rothhaus, Finlay C.  
Wheeler, David K.

**MERRIMACK**

Barberia, Richard A.  
Daneault, Gabriel J.  
Jelley, Francis D.  
Molner, Mary E.  
Trombly, Rick A.  
Yeaton, Charles B.

Braiterman, Thea  
Dunn, Miriam D.  
Johnson, Joyce M.  
Smith, Gerald R.  
Wallner, Mary Jane

Christie, Thomas J.  
Jacobson, Alf E.  
Letourneau, George E.  
Soldati, Jennifer G.  
Weeks, John F., Jr.



**ROCKINGHAM**

Bell, Juanita L.  
 Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Dube, LeRoy S.  
 Ford, Bert H.  
 Hynes, Carolyn E.  
 Lovejoy, Virginia K.  
 McGovern, Cynthia A.  
 Pantelakos, Laura C.  
 Roulston, Donald L.  
 Schmidtchen, Rowland H.  
 Thayer, Leroy C.  
 Welch, David A.

Boucher, William P.  
 Christie, Andrew, Jr.  
 DiPietro, Carmela M.  
 Falwell, Robert V.  
 Hoar, John, Jr.  
 Kane, Cecelia D.  
 MacDonald, Joseph A.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Smith, Arthur W.  
 Vaughn, Charles L.

Brown, Jeffrey M.  
 Chulack, Peter G., Sr.  
 Dowling, Patricia A.  
 Flanders, David A.  
 Hutchinson, Karen K.  
 Keith, Brenda E.  
 Malcolm, Kenneth W.  
 Palazzo, Frank J.  
 Rosencrantz, James R.  
 Schanda, Joseph, Sr.  
 Terninko, Margaret B.  
 Warburton, Calvin

**STRAFFORD**

Douglass, Clyde J.  
 Hambrick, Patricia A.  
 Kincaid, William K.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Sullivan, Henry P.  
 Wheeler, Katherine W.

Flynn, Edward J.  
 Hashem, Elaine M.  
 Marston, Robert E.  
 Messier, Donald R.  
 Pelley, Janet R.  
 Torr, Ralph W.

Gilmore, Gary R.  
 Jankowski, Peter M.  
 McCann, William H., Jr.  
 O'Brien, John  
 Spencer, Leo J.  
 Wall, Janet G.

**SULLIVAN**

Burling, Peter Hoe  
 Walsh, Robert R.

Lindblade, Eric N.

Tetu, Michael A.

and Sections 12 and 14 were adopted.

The question being on Sections 10 and 11, the Cable Television Tax.

Rep. Cowenhoven spoke in favor and yielded to questions.

Reps. Julie Brown and Spear spoke against.

Rep. Kurk requested a quorum count. The Speaker declared a quorum present.

Rep. Kurk spoke in favor and yielded to questions.

Rep. William McCann spoke against.

Rep. Guay spoke in favor and yielded to questions.

Rep. Jacobson spoke against and yielded to questions.

Rep. Stiles spoke in favor.

Rep. Jasper spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

**YEAS 150**

**NAYS 202**

**YEAS 150****BELKNAP**

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Rice, Thomas E. P., Jr.  
 Turner, Robert H.

Campbell, Richard H., Jr.  
 Holbrook, Robert G.  
 Rosen, Ralph J.  
 Vogler, Charles C.

Dewhirst, Glenn E.  
 Johnson, Carl R.  
 Shibley, Arnold P.  
 Ziegra, Alice S.

**CARROLL**

Beach, Mildred A.  
 Saunders, Howard N.

Bradley, Jeb E.

Foster, Robert W.

**CHESHIRE**

Cole, Kenneth A.  
Feuer, Joseph N.  
Hunt, John B.  
Sawyer, Alfred P.

Cole, Stacey W.  
Grodin, Richard A.  
Metzger, Katherine H.

Crutchley, Donald O.  
Hogan, James B.  
Perry, David M.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Pratt, Leighton C.

Buckley, C. Fitzgerald  
Marsh, Beaton

Guay, Lawrence J.  
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Lougee, Richard W.  
Shackett, Ralph E.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Bean, Pamela B.  
Driscoll, William J.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Wadsworth, Karen O.

Brown, Channing T.  
Hill, Richard L.  
Scanlan, David M.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Cowenhoven, Garret P.  
Dyer, Merton S.  
Ford, Nancy M.  
Jasper, Shawn N.  
Lachut, Ervin R.  
Mason, Howard F.  
Mercer, Robert S.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Drolet, Paul L.  
Elliott, Larry G.  
Gureckis, Adam C., Sr.  
Kelley, Dana F.  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
Moore, Elizabeth A.  
Rodgers, G. Philip  
Smith, Leonard A.  
Vanderlosk, Stanley R.

Andrews, Frederick B.  
Calawa, Leon, Jr.  
Durham, Susan B.  
Ferlan, Arthur P.  
Holden, Carol H.  
Kurk, Neal M.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Record, Alice B.  
Sallada, Roland A.  
Stiles, Walter A.  
Wright, George W.

**MERRIMACK**

Asplund, Bronwyn L.  
Chandler, Earle W.  
Fillion, Paul R.  
Hall, Douglas E.  
Holmes, Mary C.  
Lewis, Mary Ann  
Stapleton, Henry F.

Boucher, Laurent J.  
Chandler, John P.  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William  
Lockwood, Robert A.  
Whittemore, James A.

Carter, Susan D.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Hill, Michael J.  
Kidder, William F.  
Nichols, Avis B.

**ROCKINGHAM**

Barnes, John S., Jr.  
Coffey, John J.  
Cooke, Annette M.  
Dowling, Patricia A.  
Flanders, Harry E.  
Johnson, Robert A.  
Seward, Russell G.  
Sytek, Donna P.  
Tufts, Arthur

Benton, Richardson D.  
Connell, David R.  
Cote, Patricia L.  
Drake, Herbert R.  
Greene, Elizabeth A.  
Magoon, Harold F.  
Skinner, Patricia M.  
Sytek, John J.  
Weyler, Kenneth L.

Boucher, William P.  
Conroy, Janet M.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Hoelzel, Kathleen M.  
McKinney, Betsy  
Syracusa, Anthony  
Terninko, Margaret B.

**STRAFFORD**

Appleby, James E.  
Foss, Patricia H.  
Nehring, William H.  
Tsiros, William

Bernard, Mary E.  
Kinney, Paula J.  
Parks, Joe B.

Bickford, Drucilla  
Martling, W. Kent  
Torr, Ann M.

**SULLIVAN**

Behrens, Thomas A.  
Krueger, Richard H.  
Rodeschin, Beverly T.

Domini, Irene C.  
Peyron, Fredrik  
Schotanus, Merle W.

Flint, Gordon B.  
Porter, Robert H.  
Stamatakis, Carol M.

**NAYS 202****BELKNAP**

Accornero, Harry  
Maviglio, Steven R.

Cain, Thomas G.  
Salatiello, Thomas B.

Joscelyn, William W.  
Zaharchuk, Peter J., Jr.

**CARROLL**

Chandler, Gene G.  
Dodge, A. Gibb, Jr.

Daly, Robert J., Jr.  
Jean, Robert R.

Dickinson, Howard C.  
Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kennison, Wayne A.  
Laurent, John J.  
Pratt, Irene A.

Champagne, Richard L.  
Doucette, Richard F.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Riley, William A.

Clark, Eugene W.  
Foster, Katherine D.  
LaMar, David M.  
Morse, Jo Ann T.  
Spear, Susan S.

**COOS**

Coulombe, Henry W.  
Mayhew, Josephine  
Theriault, Romeo J.

Hawkinson, Marie C.  
Nelson, Harold D.

Kilbride, Dennis J.  
Oliver, Terry D.

**GRAFTON**

Arnesen, Deborah L.  
Guest, Robert H.  
Markley, J. Keith  
White, Paul R.

Chambers, Mary P.  
LaMott, Paul I.  
McIlwaine, Deborah P.

Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baldizar, Barbara J.  
Chasse, Richard D.  
Cote, David E.  
Daniels, Gary L.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gagnon, Eugene L.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Johnson, Lionel W.  
King, Frank P.

Alukonis, David J.  
Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Dwyer, Patricia R.  
Fields, Dennis H.  
Gagnon, Gabrielle V.  
Green, Scott E.  
Hall, Betty B.  
Hultgren, David D.  
Keane, Cornelius J.  
L'Heureux, Robert J.

Baker, George H., Sr.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Desrosiers, William J.  
Donovan, Francis X.  
Fenton, James J.  
Gage, Ruth E.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Janas, Gregory  
Kelley, Robert N.  
Laughlin, J. Francis

Lawrence, Eva M.  
Lozeau, Donnalee M.  
Messier, Irene M.  
Ouellette, Robert O.  
Pepino, Leo P.  
Rheault, Lillian I.  
Soucy, Donna M.  
Wheeler, Robert L.

Lawrence, Norman B.  
Martin, Mary Ellen  
Murphy, Robert E.  
Packard, Bonnie B.  
Peters, Stanley W.  
Riley, Frances L.  
Turgeon, Roland M.  
White, John M.

Leclerc, Charles J.  
McDowell, James E.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Wheeler, David K.

### MERRIMACK

Barberia, Richard A.  
Daneault, Gabriel J.  
Jelley, Francis D.  
Molner, Mary E.  
Stio, Peter M.  
Wallner, Mary Jane

Braiterman, Thea  
Dunn, Miriam D.  
Johnson, Joyce M.  
Smith, Gerald R.  
Teague, Bert  
Weeks, John F., Jr.

Christie, Thomas J.  
Jacobson, Alf E.  
Letourneau, George E.  
Soldati, Jennifer G.  
Trombly, Rick A.  
Yeaton, Charles B.

### ROCKINGHAM

Bell, Juanita L.  
Campbell, Marilyn R.  
Chulack, Peter G., Sr.  
Dube, LeRoy S.  
Flanders, David A.  
Gage, Beverly A.  
Hutchinson, Karen K.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Malcolm, Kenneth W.  
Palazzo, Frank J.  
Rosencrantz, James R.  
Schanda, Joseph, Sr.  
Simon, Peter M.  
Vaughn, Charles L.  
Woods, Deborah L.

Brown, Jeffrey M.  
Chase, Lawrence A., Jr.  
Clark, Martha Fuller  
Falwell, Robert V.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Hynes, Carolyn E.  
Keith, Brenda E.  
Lovejoy, Virginia K.  
McCain, William F.  
Pantelakos, Laura C.  
Roulston, Donald L.  
Schmidtchen, Rowland H.  
Smith, Arthur W.  
Warburton, Calvin

Buco, Stephen W.  
Christie, Andrew, Jr.  
DiPietro, Carmela M.  
Flanagan, Natalie S.  
Ford, Bert H.  
Hurst, Sharleene P.  
Kane, Cecelia D.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
McGovern, Cynthia A.  
Raynowska, Bernard J.  
Rubin, George R.  
Senter, Marilyn P.  
Thayer, Leroy C.  
Welch, David A.

### STRAFFORD

Brown, Julie M.  
Flynn, Edward J.  
Hambrick, Patricia A.  
Keans, Sandra B.  
McCann, William H., Jr.  
O'Brien, John  
Spencer, Leo J.  
Torr, Ralph W.  
Young, John B.

Corte, Arthur B.  
Frechette, Roland A.  
Hashem, Elaine M.  
Kincaid, William K.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Wall, Janet G.

Douglass, Clyde J.  
Gilmore, Gary R.  
Jankowski, Peter M.  
Marston, Robert E.  
Messier, Donald R.  
Pelley, Janet R.  
Swope, Warren L.  
Wheeler, Katherine W.



**SULLIVAN**

Burling, Peter Hoe  
Walsh, Robert R.

Middleton, John A.

Tetu, Michael A.

and Sections 10 and 11 failed.

Rep. Pignatelli abstained from voting under Rule 16.

A quorum count was requested. The Speaker declared a quorum present.

Rep. Soldati moved that Sections 10 and 11, the Cable Television Tax, of HB 40 be indefinitely postponed.

Rep. Guay spoke against.

Rep. William McCann spoke in favor.

On a division vote, 174 members having voted in the affirmative and 162 in the negative, Sections 10 and 11 were indefinitely postponed.

The question being on Sections 2-9 and 13, the Business Poll Tax.

Rep. Donna Sytek spoke in explanation.

Rep. Hayes spoke in favor and yielded to questions.

Rep. Barnes spoke against.

Rep. Shackett spoke in favor and yielded to questions.

Rep. Lozeau spoke against and yielded to questions.

Rep. Gross spoke in favor.

Rep. Soldati spoke against.

Rep. Donna Sytek spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

**YEAS 160****NAYS 189****YEAS 160****BELKNAP**

Bartlett, Gordon E.  
Johnson, Carl R.  
Turner, Robert H.

Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Holbrook, Robert G.  
Rosen, Ralph J.  
Ziegra, Alice S.

**CARROLL**

Beach, Mildred A.  
Saunders, Howard N.

Dodge, A. Gibb, Jr.

Foster, Robert W.

**CHESHIRE**

Crutchley, Donald O.  
Grodin, Richard A.  
LaMar, David M.  
Perry, David M.

Feuer, Joseph N.  
Hogan, James B.  
Laurent, John J.

Foster, Katherine D.  
Hunt, John B.  
Metzger, Katherine H.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Nelson, Harold D.

Guay, Lawrence J.  
Marsh, Beaton  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Lougee, Richard W.  
Shackett, Ralph E.  
Wadsworth, Karen O.

Bean, Pamela B.  
Driscoll, William J.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Ward, Kathleen W.

Brown, Channing T.  
Hill, Richard L.  
Scanlan, David M.  
Teschner, Douglass P.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Arnold, Barbara E.  
 Calawa, Leon, Jr.  
 Dodge, Emma M.  
 Durham, Susan B.  
 Ford, Nancy M.  
 Gureckis, Adam C., Sr.  
 Kelley, Dana F.  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Moore, Elizabeth A.  
 Rheault, Lillian I.  
 Sallada, Roland A.  
 Tarpley, Nancy L.

Amidon, Eleanor H.  
 Baker, George H., Sr.  
 Cowenhoven, Garret P.  
 Donovan, Francis X.  
 Dyer, Merton S.  
 Goulet, Maurice E.  
 Holden, Carol H.  
 Kelley, Robert N.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Searles, Stanley N., Sr.  
 Vanderlosk, Stanley R.

Andrews, Frederick B.  
 Bowers, Dorothy C.  
 Desrosiers, William J.  
 Drolet, Paul L.  
 Fields, Dennis H.  
 Greenglass, Alan B.  
 Jasper, Shawn N.  
 Lawrence, Eva M.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Record, Alice B.  
 Rodgers, G. Philip  
 Stiles, Walter A.

**MERRIMACK**

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lewis, Mary Ann  
 Stapleton, Henry F.

Boucher, Laurent J.  
 Chandler, John P.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Stio, Peter M.

Carter, Susan D.  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Kidder, William F.  
 Nichols, Avis B.

**ROCKINGHAM**

Benton, Richardson D.  
 Conroy, Janet M.  
 Drake, Herbert R.  
 Flanders, Harry E.  
 Hurst, Sharleene P.  
 Magoon, Harold F.  
 Roulston, Donald L.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Weyler, Kenneth L.

Buco, Stephen W.  
 Cote, Patricia L.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Johnson, Robert A.  
 McCain, William F.  
 Senter, Merilyn P.  
 Skinner, Patricia M.  
 Sytek, John J.

Coffey, John J.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Hoelzel, Kathleen M.  
 Klemm, Arthur P., Jr.  
 McKinney, Betsy  
 Seward, Russell G.  
 Syracuse, Anthony  
 Tufts, Arthur

**STRAFFORD**

Appleby, James E.  
 Brown, Julie M.  
 Flynn, Edward J.  
 Martling, W. Kent  
 Torr, Ann M.

Bernard, Mary E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Nehring, William H.  
 Tsiros, William

Bickford, Drucilla  
 Douglass, Clyde J.  
 Kinney, Paula J.  
 Parks, Joe B.  
 Young, John B.

**SULLIVAN**

Behrens, Thomas A.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Flint, Gordon B.  
 Peyron, Fredrik  
 Schotanus, Merle W.

Krueger, Richard H.  
 Porter, Robert H.

### NAYS 189 BELKNAP

Accornero, Harry  
Dewhirst, Glenn E.  
Salatiello, Thomas B.

Cain, Thomas G.  
Joscelyn, William W.  
Shibley, Arnold P.

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Zaharchuk, Peter J., Jr.

### CARROLL

Bradley, Jeb E.  
Dickinson, Howard C.

Chandler, Gene G.  
Jean, Robert R.

Daly, Robert J., Jr.  
Wiggin, Gordon E.

### CHESHIRE

Burnham, Daniel M.  
Cole, Kenneth A.  
Kennison, Wayne A.  
Morse, Jo Ann T.  
Sawyer, Alfred P.

Champagne, Richard L.  
Cole, Stacey W.  
Kingsbury, H. Thayer  
Pratt, Irene A.  
Spear, Susan S.

Clark, Eugene W.  
DePecol, Benjamin J.  
Lynch, Margaret A.  
Riley, William A.

### COOS

Coulombe, Henry W.  
Therault, Romeo J.

Hawkinson, Marie C.

Mayhew, Josephine

### GRAFTON

Arnesen, Deborah L.  
Dow, David  
Larson, Nils H., Jr.  
Nordgren, Sharon L.

Chambers, Mary P.  
Guest, Robert H.  
Markley, J. Keith  
Trelfa, Richard T.

Copenhaver, Marion L.  
LaMott, Paul I.  
McIlwaine, Deborah P.

### HILLSBOROUGH

Ackerman, Philip M.  
Bourque, Ann J.  
Cook, Valerie S.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gagnon, Gabrielle V.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Martin, Mary Ellen  
Murphy, Robert E.  
Packard, Bonnie B.  
Pignatelli, Debora B.  
Rothhaus, Finlay C.  
Turgeon, Roland M.  
White, John M.

Alukonis, David J.  
Buckley, Raymond  
Cote, David E.  
Daniels, Gary L.  
Drabinowicz, A. Theresa  
Fenton, James J.  
Gage, Ruth E.  
Gosselin, Gerald O.  
Hall, Betty B.  
Hultgren, David D.  
King, Frank P.  
Lachut, Ervin R.  
Leclerc, Charles J.  
McDowell, James E.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Smith, Leonard A.  
Wheeler, David K.  
Wright, George W.

Baldizar, Barbara J.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Dwyer, Patricia R.  
Ferguson, Charles  
Gagnon, Eugene L.  
Green, Scott E.  
Hanselman, Gregory L.  
Janas, Gregory  
Kurk, Neal M.  
Laughlin, J. Francis  
Lozeau, Donnalce M.  
Messier, Irene M.  
Ouellette, Robert O.  
Pepino, Leo P.  
Riley, Frances L.  
Soucy, Donna M.  
Wheeler, Robert L.

**MERRIMACK**

Barberia, Richard A.  
Daneault, Gabriel J.  
Jelley, Francis D.  
Molner, Mary E.  
Trombly, Rick A.  
Yeaton, Charles B.

Braiterman, Thea  
Dunn, Miriam D.  
Johnson, Joyce M.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Christie, Thomas J.  
Jacobson, Alf E.  
Letourneau, George E.  
Teague, Bert  
Whittemore, James A.

**ROCKINGHAM**

Barnes, John S., Jr.  
Brown, Jeffrey M.  
Christie, Andrew, Jr.  
Connell, David R.  
Dowling, Patricia A.  
Flanders, David A.  
Greene, Elizabeth A.  
Hutchinson, Karen K.  
Katsakiores, George N.  
MacDonald, Joseph A.  
Melnick, Roy E.  
Raynowska, Bernard J.  
Schanda, Joseph, Sr.  
Terninko, Margaret B.  
Warburton, Calvin

Bell, Juanita L.  
Campbell, Marilyn R.  
Chulack, Peter G., Sr.  
Cooke, Annette M.  
Dube, LeRoy S.  
Ford, Bert H.  
Haynes, Richard  
Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
Malcolm, Kenneth W.  
Palazzo, Frank J.  
Rosencrantz, James R.  
Schmidtchen, Rowland H.  
Thayer, Leroy C.  
Welch, David A.

Boucher, William P.  
Chase, Lawrence A., Jr.  
Clark, Martha Fuller  
DiPietro, Carmela M.  
Falwell, Robert V.  
Gage, Beverly A.  
Hoar, John, Jr.  
Kane, Cecelia D.  
Lovejoy, Virginia K.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Rubin, George R.  
Smith, Arthur W.  
Vaughn, Charles L.  
Woods, Deborah L.

**STRAFFORD**

Frechette, Roland A.  
Hashem, Elaine M.  
Kincaid, William K.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Wheeler, Katherine W.

Gilmore, Gary R.  
Jankowski, Peter M.  
Marston, Robert E.  
Messier, Donald R.  
Pelley, Janet R.  
Torr, Ralph W.

Hambrick, Patricia A.  
Keans, Sandra B.  
McCann, William H., Jr.  
O'Brien, John  
Spencer, Leo J.  
Wall, Janet G.

**SULLIVAN**

Burling, Peter Hoc  
Stamatakis, Carol M.

Domini, Irene C.  
Tetu, Michael A.

Lindblade, Eric N.  
Walsh, Robert R.

and Sections 2-9 and 13 failed.

Reps. Douglas Hall and Jasper offered a floor amendment.

**Floor Amendment**

Amend the bill by replacing sections 2-9 with the following:

2 Legislative Intent. By the enactment of sections 2-9 of this act, the general court intends to exercise its authority under Part II, Article 6 of the New Hampshire constitution, to raise a portion of the public charges of government by the taxation of income, that is, to levy an occupation tax of a fixed amount on every person of the class specified in section 3 of this act. The general court further intends to exercise its discretion as to the persons whose income should be taxed, and to levy such a tax proportionally and reasonably on all such persons within the designated class, defined in section 3 of this act as occupations which are licensed, certified, or registered by the state. The general court determines that such occupations have distinctive charac-



teristics and carry on activities which draw distinctive benefits from and impose distinctive burdens upon the operations of government. The general court further determines that such a tax is properly regarded as recompense for the right to exercise a licensing, certification, or registration privilege granted to persons in certain occupations by the state.

3 Occupation Tax Imposed Upon Occupations. A tax of \$100 shall be assessed upon every individual whose occupation is licensed, certified, or registered by a state board, state commission, or state department. Employees of the state of New Hampshire, or a political subdivision thereof, shall be exempt from payment of the tax. The tax shall be assessed upon every individual who is actively engaged in the following occupations and who is so licensed, certified, or registered:

- I. Accountants and certified public accountants, certified under RSA 309-A.
- II. Accounting practitioners, registered under RSA 309-A.
- III. Alcohol and drug abuse counselors, certified under RSA 172:8-b.
- IV. Ambulance and rescue attendants, licensed under RSA 151-B.
- V. Architects, licensed under RSA 310-A:38.
- VI. Asbestos abatement contractors, licensed under RSA 141-E:10; and the employees of such contractors, certified under RSA 141-E:11.
- VII. Attorneys, licensed under RSA 311 and supreme court rule 42.
- VIII. Auctioneers, licensed under RSA 311-B.
- IX. Professional bail bondsmen, licensed under RSA 598-A.
- X. Barbers, licensed under RSA 313-A:9.
- XI. Boiler inspectors, licensed under RSA 157-A:7.
- XII. Boxing bout participants, licensed under RSA 285:11.
- XIII. Carnival-amusement operators, registered under RSA 321-A:5.
- XIV. Child day care, residential care, and child placing persons, licensed under RSA 170-E:3 and 170-E:4.
- XV. Chiropractors, licensed under RSA 316-A.
- XVI. Cosmetologists, licensed under RSA 313-A:10.
- XVII. Cosmetology instructors, licensed under RSA 313-A.
- XVIII. Court reporters, certified under RSA 331-B.
- XIX. Debt adjusters, licensed under RSA 399-D:2.
- XX. Dental hygienists, licensed under RSA 317-A:2.
- XXI. Dentists, licensed under RSA 317-A.
- XXII. Dog trainers for greyhounds, licensed under RSA 284.
- XXIII. Driver education instructors, certified or licensed under RSA 21-P:14 and RSA 263:44.
- XXIV. Electricians and journeyman electricians, licensed under RSA 319-C.
- XXV. Master electricians, licensed under RSA 319-C.
- XXVI. Electrologists, licensed under RSA 314:27.
- XXVII. Elevator inspectors, licensed under RSA 157-B:8.
- XXVIII. Embalmers, licensed under RSA 325.
- XXIX. Engineers, licensed under RSA 310-A.
- XXX. Estheticians, licensed under RSA 313-A:11-a.
- XXXI. Firefighters, certified under RSA 154-C.
- XXXII. Funeral directors, licensed under RSA 325.
- XXXIII. Fur buyers, licensed under RSA 214:24.
- XXXIV. Hawkers and peddlers, licensed under RSA 320:8.
- XXXV. Hazardous material transporters, licensed under RSA 21-P:20.

- XXXVI. Hearing aid dealers, registered under RSA 137-F:2.
- XXXVII. Horse trainers, licensed under RSA 284.
- XXXVIII. Hunting and fishing guides, licensed under RSA 215.
- XXXIX. Insurance agents, licensed under RSA 402.
- XL. Insurance brokers, licensed under RSA 405:32.
- XLI. Insurance claims adjusters, licensed under RSA 402-B.
- XLII. Insurance consultants, licensed under RSA 405:44-a.
- XLIII. Itinerant vendors, licensed under RSA 321:1.
- XLIV. Jockeys, licensed under RSA 284.
- XLV. Jockey agents, licensed under RSA 284.
- XLVI. Lay midwives, certified under RSA 326-O:4.
- XLVII. Lightning rod dealers and salesmen, licensed under RSA 323:1.
- XLVIII. Live bait sellers, licensed under RSA 214:34.
- XLIX. Lobbyists, registered under RSA 15.
- L. Manicurists, licensed under RSA 313-A:11.
- LI. Masseurs and masseuses, licensed under RSA 328-B.
- LII. Nondepository first mortgage bankers and brokers, licensed under RSA 397-A:3.
- LIII. Nursing assistants, certified under RSA 326-B:4-a.
- LIV. Licensed practical nurses, licensed under RSA 326-B.
- LV. Advanced registered nurse practitioners, legally recognized under RSA 326-B:10.
- LVI. Registered nurses, licensed under RSA 326-B.
- LVII. Nursing home administrators, licensed under RSA 151-A.
- LVIII. Occupational therapists, licensed under RSA 326-C.
- LVIX. Occupational therapist assistants, licensed under RSA 326-C.
- LX. Ophthalmic dispensers, registered under RSA 327-A:2.
- LXI. Optometrists, licensed under RSA 327.
- LXII. Pastoral counselors, certified under RSA 330-A.
- LXIII. Pesticide applicators, certified under RSA 430:28-48.
- LXIV. Pharmacists, licensed under RSA 318.
- LXV. Physical therapists, licensed under RSA 328-A.
- LXVI. Physical therapist assistants, licensed under RSA 328-A.
- LXVII. Physician assistants, licensed under RSA 328-C.
- LXVIII. Physicians, osteopaths and surgeons, licensed under RSA 328.
- LXIX. Journeyman plumbers, licensed under RSA 329-A.
- LXX. Master plumbers, licensed under RSA 329-A.
- LXXI. Podiatrists, licensed under RSA 315.
- LXXII. Private investigators, licensed under RSA 106-F.
- LXXIII. Psychologists, certified under RSA 330-A.
- LXXIV. Public adjusters, licensed under RSA 402-D:2.
- LXXV. Real estate appraisers, certified under RSA 310-B.
- LXXVI. Real estate brokers, licensed under RSA 331-A.
- LXXVII. Real estate salespersons, licensed under RSA 331-A.
- LXXVIII. Respiratory care practitioners, licensed under RSA 326-E.
- LXXIX. School administrators, licensed under RSA 186.
- LXXX. School bus drivers, certified under RSA 263.
- LXXXI. Secondary home mortgage lenders, licensed under RSA 398-A:1-a.
- LXXXII. Securities salespersons, licensed under RSA 421-B.

LXXXIII. Security guards, licensed under RSA 106-F.

LXXXIV. Ski patrol personnel, certified under RSA 151-B:13.

LXXXV. Clinical social workers, certified under RSA 330-A:16-d.

LXXXVI. Soil scientists, certified under RSA 310-A.

LXXXVII. Land surveyors, licensed under RSA 310-A.

LXXXVIII. Taxidermists, licensed under RSA 214.

LXXXIX. Teachers, certified under RSA 186.

XC. Veterinarians, licensed under RSA 322-B.

XCI. Wastewater treatment plant operators, certified under RSA 985-A:4 and 486:9.

XCII. Water distribution system operators, certified under RSA 332-E.

XCIII. Water pump installers, licensed under RSA 482-B.

XCIV. Water treatment plant operators, certified under RSA 332-E.

XCV. Water well contractors, licensed under RSA 482-B.

XCVI. Wrestling competition participants, licensed under RSA 285.

4 Payment. The tax imposed by section 3 of this act shall be assessed annually, and is due and payable on November 15, 1991, and on November 15, 1992.

5 Informational Filing. Each person whose occupation is subject to section 3 of this act shall provide the commissioner of revenue administration with such information as the commissioner shall determine is necessary under rules adopted pursuant to RSA 541-A, relative to informational filings to be made with each tax payment.

6 Interest; Penalties. Any person who fails to make the payments with a return as required by sections 3-5 of this act when due shall pay interest and penalties as prescribed in RSA 21-J.

#### 7 Administration.

I. The commissioner of revenue administration shall collect the taxes, interest, additions to tax and penalties imposed under sections 3-9 of this act.

II. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax or the penalties imposed by sections 3-9 of this act.

III. In the collection of the tax imposed by section 3 of this act, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by section 3 of this act shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to him. The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under section 3 of this act, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw his warrant for the purchase price out of any money in the treasury not otherwise appropriated.

8 Persons not Actively Engaged in Occupations. No person shall be considered to be exempt from the taxes due under section 3 of this act because he is no longer actively engaged in a taxable occupation until all taxes and interest imposed upon the occupation under sections 3-9 of this act are paid.

9 Lien for Tax. No lien upon real estate for taxes imposed by section 3 of this act is valid and binding against any person other than the taxpayer until notice of such lien stating the name and address of the taxpayer and the amount of the tax due shall have been filed and recorded in the registry of deeds in the grantor index in the county in

which such real estate is located. Notwithstanding the provisions of any other law, the lien shall continue and shall be valid and binding until the liability for the sum, with interest and costs, is satisfied or becomes unenforceable.

### AMENDED ANALYSIS

This bill amends state taxes as follows:

(1) The bill increases the rate of the legacies and successions tax from 15 to 18 percent.

(2) The bill levies an occupation tax of \$100 on every individual whose occupation is licensed, certified, or registered by a state board, commission, or department. The tax is imposed on a temporary basis, with 2 annual payments to be made on November 15, 1991, and on November 15, 1992.

The bill makes supplemental appropriations to the department of revenue administration of \$148,000 for the fiscal year ending June 30, 1992, and \$50,600 for the fiscal year ending June 30, 1993, for the purpose of administering the occupation tax.

The bill also extends the increased rate for the communications services tax for the biennium ending June 30, 1993.

Rep. Jasper spoke in favor and yielded to questions.

Reps. Valerie Cook, Haettenschwiller and William McCain spoke against and yielded to questions.

Rep. Scott Green spoke against.

Rep. Douglas Hall spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being on the floor amendment.

**YEAS 20**

**NAYS 326**

**YEAS 20  
BELKNAP**

Maviglio, Steven R.

**CARROLL**

None

**CHESHIRE**

Hogan, James B.

**COOS**

Horton, Lynn C.

Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.

**HILLSBOROUGH**

Jasper, Shawn N.  
Robinson, Ellen-Ann

Kelley, Robert N.

Record, Alice B.

**MERRIMACK**

Hager, Elizabeth S.  
Nichols, Avis B.

Hall, Douglas E.

Lewis, Mary Ann

**ROCKINGHAM**

Lovejoy, Virginia K.

Roulston, Donald L.

Weyler, Kenneth L.



**STRAFFORD**

Bernard, Mary E.  
Nehring, William H.

Keans, Sandra B.

Kinney, Paula J.

**SULLIVAN**

None

**NAYS 326  
BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Johnson, Carl R.  
Rosen, Ralph J.  
Turner, Robert H.  
Ziegra, Alice S.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Joscelyn, William W.  
Salatiello, Thomas B.  
Vogler, Charles C.

Cain, Thomas G.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

**CARROLL**

Beach, Mildred A.  
Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Dickinson, Howard C.  
Jean, Robert R.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Perry, David M.  
Sawyer, Alfred P.

Champagne, Richard L.  
Cole, Stacey W.  
Feuer, Joseph N.  
Hunt, John B.  
LaMar, David M.  
Metzger, Katherine H.  
Pratt, Irene A.  
Spear, Susan S.

Clark, Eugene W.  
Crutchley, Donald O.  
Foster, Katherine D.  
Kennison, Wayne A.  
Laurent, John J.  
Morse, Jo Ann T.  
Riley, William A.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Marsh, Beaton  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Mayhew, Josephine  
Pratt, Leighton C.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Nelson, Harold D.  
Theriault, Romeo J.

**GRAFTON**

Arnesen, Deborah L.  
Brown, Patricia B.  
Dow, David  
Hill, Richard L.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Shackett, Ralph E.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
Markley, J. Keith  
Nordgren, Sharon L.  
Stewart, Roger D.  
Wadsworth, Karen O.  
White, Paul R.

Brown, Channing T.  
Copenhaver, Marion L.  
Guest, Robert H.  
Larson, Nils H., Jr.  
McIlwaine, Deborah P.  
Scanlan, David M.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
Amidon, Eleanor H.  
Baker, George H., Sr.  
Bowers, Dorothy C.

Ahrens, Frederick G.  
Andrews, Frederick B.  
Baldizar, Barbara J.  
Buckley, Raymond

Alukonis, David J.  
Arnold, Barbara E.  
Bourque, Ann J.  
Calawa, Leon, Jr.

Chasse, Richard D.  
 Cowenhoven, Garret P.  
 Daniels, Gary L.  
 Dodge, Emma M.  
 Drabinowicz, A. Theresa  
 Dwyer, Patricia R.  
 Fenton, James J.  
 Fields, Dennis H.  
 Gagnon, Eugene L.  
 Goulet, Maurice E.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 Hultgren, David D.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lawrence, Eva M.  
 Lefebvre, Roland J.  
 Martin, Mary Ellen  
 McDowell, James E.  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Paquette, Rodolphe G.  
 Pignatelli, Debora B.  
 Riley, Frances L.  
 Sallada, Roland A.  
 Soucy, Donna M.  
 Turgeon, Roland M.  
 Wheeler, Robert L.

Cook, Valerie S.  
 Crotty, Edward J.  
 Desrochers, Gerard T.  
 Domaingue, Jacquelyn M.  
 Drolet, Paul L.  
 Dyer, Merton S.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Gagnon, Gabrielle V.  
 Green, Scott E.  
 Haettenschwiller, Alphonse  
 Healy, Walter F.  
 Janas, Gregory  
 King, Frank P.  
 Lachut, Ervin R.  
 Lawrence, Norman B.  
 Lown, Elizabeth D.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Moore, Elizabeth A.  
 Ouellette, Robert O.  
 Pepino, Leo P.  
 Reidy, Frank J.  
 Rodgers, G. Philip  
 Scarles, Stanley N., Sr.  
 Stiles, Walter A.  
 Vanderlosk, Stanley R.  
 White, John M.

Cote, David E.  
 Daigle, Robert A.  
 Desrosiers, William J.  
 Donovan, Francis X.  
 Durham, Susan B.  
 Elliott, Larry G.  
 Ferlan, Arthur P.  
 Gage, Ruth E.  
 Gosselin, Gerald O.  
 Greenglass, Alan B.  
 Hall, Betty B.  
 Holden, Carol H.  
 Keane, Cornelius J.  
 Kurk, Neal M.  
 Laughlin, J. Francis  
 Leclerc, Charles J.  
 Lozeau, Donnalee M.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Rothhaus, Finlay C.  
 Smith, Leonard A.  
 Tarpley, Nancy L.  
 Wheeler, David K.  
 Wright, George W.

### MERRIMACK

Asplund, Bronwyn L.  
 Braiterman, Thea  
 Chandler, John P.  
 Dunn, Miriam D.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Johnson, Joyce M.  
 Lockwood, Robert A.  
 Soldati, Jennifer G.  
 Teague, Bert  
 Yeaton, Charles B.

Barberia, Richard A.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Hill, Michael J.  
 Jelley, Francis D.  
 Kidder, William F.  
 Molner, Mary E.  
 Stapleton, Henry F.  
 Wallner, Mary Jane

Boucher, Laurent J.  
 Chandler, Earle W.  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Holmes, Mary C.  
 Johnson, C. William  
 Letourneau, George E.  
 Smith, Gerald R.  
 Stio, Peter M.  
 Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
 Boucher, William P.  
 Campbell, Marilyn R.  
 Chulaek, Peter G., Sr.  
 Connell, David R.  
 Cote, Patricia L.  
 Dowling, Patricia A.

Bell, Juanita L.  
 Brown, Jeffrey M.  
 Chase, Lawrence A., Jr.  
 Clark, Martha Fuller  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Dube, LeRoy S.

Benton, Richardson D.  
 Bucu, Stephen W.  
 Christie, Andrew, Jr.  
 Coffey, John J.  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.

Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 MacDonald, Joseph A.  
 McCain, William F.  
 Melnick, Roy E.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Seward, Russell G.  
 Smith, Arthur W.  
 Sytek, John J.  
 Tufts, Arthur  
 Welch, David A.

Flanders, David A.  
 Ford, Bert H.  
 Haynes, Richard  
 Hurst, Sharleene P.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McGovern, Cynthia A.  
 Palazzo, Frank J.  
 Rosencrantz, James R.  
 Schmidtchen, Rowland H.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Vaughn, Charles L.  
 Woods, Deborah L.

Flanders, Harry E.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Pantelakos, Laura C.  
 Rubin, George R.  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Thayer, Leroy C.  
 Warburton, Calvin

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Hambrick, Patricia A.  
 Kincaid, William K.  
 McCann, William H., Jr.  
 O'Brien, John  
 Pelley, Janet R.  
 Torr, Ann M.  
 Wall, Janet G.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Frechette, Roland A.  
 Hashem, Elaine M.  
 Marston, Robert E.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Spencer, Leo J.  
 Torr, Ralph W.  
 Wheeler, Katherine W.

Brown, Julie M.  
 Flynn, Edward J.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 Martling, W. Kent  
 Messier, Donald R.  
 Parks, Joe B.  
 Sullivan, Henry P.  
 Tsiros, William  
 Young, John B.

### SULLIVAN

Behrens, Thomas A.  
 Flint, Gordon B.  
 Middleton, John A.  
 Rodeschin, Beverly T.  
 Tetu, Michael A.

Burling, Peter Hoe  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.  
 Walsh, Robert R.

Domini, Irene C.  
 Lindblade, Eric N.  
 Porter, Robert H.  
 Stamatakis, Carol M.

and the floor amendment failed.

Rep. Trombly abstained from voting under Rule 16.

Rep. Robert Kelley informed the Clerk that he inadvertently voted yea and meant to vote nay.

The question being on Sections 15 and 16, the enacting clause and the effective date.

Adopted.

Report adopted.

Ordered to third reading.

### SENATE MESSAGE REQUESTS CONCURRENCE

**SB 151-FN**, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks.

**SUSPENSION OF RULES**

Rep. Gross moved that the rules be so far suspended as to permit introduction and referral of SB 151, at the present time.

Rep. Grodin spoke in favor.

Adopted by the necessary two-thirds.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill number 151 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading referral**

**SB 151-FN**, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks. (To Municipal and County Government)

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, June 13, 1991 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 41**, relative to setting the moose season and reducing collisions between moose and motor vehicles.

**HB 40-FN-A**, relative to certain state taxes and making an appropriation therefor.

**CONFEEEE CHANGE**

**HB 286**, relative to the operation of powerboats on Long Pond in the town of Northwood. Rep. Stewart replaces Rep. Haynes.

**SENATE MESSAGE****CONCURRENCE**

**HCR 8**, urging Channel 8 (WMTW) of Auburn, Maine to provide coverage of New Hampshire news and events to allow another television channel providing such coverage to broadcast from the Mt. Washington summit.

**CONCURRENCE WITH AMENDMENT**

**SB 38-FN-A**, exempting interest earned by investors in certain mutual funds from the interest and dividend tax.

**ENROLLED BILLS REPORT**

**HB 107-FN**, eliminating registration fees for class AA dams.

**HB 193-FN**, relative to lease-purchase agreements for district courthouses, meetings of the Auburn district court, study committees on the district courts, and making a supplemental appropriation for renovation of the Rochester Post Office as a district court facility.



**HB 282-FN**, relative to the BOCA Basic Building Code and the Life Safety Code and relative to property located at former Pease Air Force Base.

**HB 299-FN**, relative to the posting of statements in liquor stores and establishments selling beverages and liquors.

**HB 680-FN**, relative to manufactured housing on the land of another.

**HB 727-FN**, relative to DWI testing and commercial driver licenses.

**HB 736-FN**, relative to energy facility siting, licensing and operation.

**HB 757-FN**, repealing the law relative to employment offices.

**SB 225-FN**, relative to the higher educational building corporation and loan eligibility.

Rep. Miriam Dunn  
for the Committee

### COMMITTEE OF CONFERENCE REPORT ON SB 22

The committee of conference to which was referred Senate Bill 22, An Act relative to changes in reimbursement requirements for psychologists having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sen. Nelson, Dist. 13, Sen. Fraser, Dist. 4, Sen. St. Jean, Dist. 20.

Conferees on the Part of the House: Rep. Hogan, Ches. 1, Rep. Hunt, Ches. 9, Rep. Gross, Merr. 16, Rep. Guay, Coos 7.

Report adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 42-FN

The committee of conference to which was referred Senate Bill 42-FN, An Act relative to the board of podiatry having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sen. Currier, Dist. 7, Sen. Colantuono, Dist. 14, Sen. Blaisdell, Dist. 10.

Conferees on the Part of the House: Rep. Kidder, Merr. 2, Rep. Emerton, Hills. 6, Rep. Ward, Graf. 1, Rep. McGovern, Rock. 27.

Report adopted.

### LAID ON THE TABLE

#### COMMITTEE OF CONFERENCE REPORT ON SB 97

**SB 97**, relative to administrative rules and state mandates.

Rep. Ward moved that the Committee of Conference Report on SB 97 be laid on the table.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 180-FN

The committee of conference to which was referred Senate Bill 180-FN, An Act relative to the hearings process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 76:16, II as inserted by section 3 of the bill by replacing it with the following:

*II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and grant or deny the application in writing within 6 months after notice of such tax, and failure to do so shall constitute a denial, except that in the year following a property revaluation, municipalities having 9,000 or more parcels shall have an additional 2 months to respond to appeals. "Notice of such tax" is defined in RSA 76:16-a, I.*

Amend RSA 76:16-a, I as inserted by section 4 of the bill by replacing it with the following:

I. [If] *After the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$40 filing fee, may, within [6] 8 months after notice of such tax, and not afterwards, apply in writing to the board of tax and land appeals which, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. Property owners who have appealed a tax assessment to the board of tax and land appeals and who receive a tax bill for a subsequent year prior to the time the board of tax and land appeals has acted on the original appeal shall be automatically considered as having appealed the subsequent bill and no further filing fee shall be required. "Notice of such tax" means the date the department of revenue administration determines to be the last date of mailing of tax bills by the taxing district. The person aggrieved shall state in its appeal to the board either the date of the municipality's decision on the RSA 76:16 application, or that 6 months has passed since the notice of the tax and that the municipality failed to issue a decision in accordance with RSA 76:16.*

#### AMENDED ANALYSIS

The bill changes the filing period for requesting a tax abatement from the municipalities from 60 days to 2 months to make time periods consistent in the statute. The bill also makes explicit the town's existing duty to review and decide abatement applications, specifying a time period to complete such review and decision. The bill amends the appeal procedure by requiring a decision or denial from the municipality before appealing to the board of tax and land appeals.

The bill also specifies that a person must only pay one filing fee for each appeal to the board of tax and land appeals.

Conferees on the Part of the Senate: Sen. Roberge, Dist. 9, Sen. W. King, Dist. 2, Sen. Delahunty, Dist. 22

Conferees on the Part of the House: Rep. Grodin, Ches. 6, Rep. Perry, Ches. 10, Rep. Salatiello, Belk. 3, Rep. Soucy, Hills. 39.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 181-FN

The committee of conference to which was referred Senate Bill 181-FN, An Act relative to the number of winner take all bingo games allowed on one game date having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sen. McLane, Dist. 15, Sen. Russman, Dist. 19, Sen. Disnard, Dist. 8

Conferees on the Part of the House: Rep. R. Kelley, Hills. 13, Rep. Palazzo, Rock. 16, Rep. Rosencrantz, Rock. 15, Rep. D. Kelley, Hills. 11.

Report adopted.

### **SUSPENSION OF RULES**

Rep. Ward moved that the rules be so far suspended as to permit the House to consider the Committee of Conference report on SB 182-FN which contains a non-germane amendment. (Secs. 1-10, 14-18)

Adopted by the necessary two-thirds.

### **COMMITTEE OF CONFERENCE REPORT ON SB 182-FN**

The committee of conference to which was referred Senate Bill 182-FN, An Act relative to the division of information services having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. For over 2 years, the state data processing and computer management study committee has reviewed almost every aspect of state computer operations. The committee's duties were to examine all aspects of data processing throughout the state. As a result of the study, it is the intent of the legislature to establish an office of information technology management, as the first step in decentralizing computer operations. This is to be accomplished by dissolving the division of information services and assigning the computer development activities directly to several user agencies while the data center operations activities will be assigned to the department of administrative services and the department of health and human services. The office of information technology management will be staffed by a director and a small staff, whose function will be to assist state agencies in developing state-wide plans, develop system standards, coordinate development of agency budgets for information systems, provide agency training and educational programs, provide technical consultation and review agency plans and equipment acquisitions. In addition, the office will monitor the effectiveness of the use of information technology resources and report to the governor and legislature. A data base management advisory committee shall serve as the transition authority through January 1, 1993, to ensure the orderly transition of operations.

2 New Subdivision; Office of Information Technology Management Established. Amend RSA 21-I by inserting after section 65 the following new subdivision:

Office of Information Technology Management

21-I:66 Definitions. In this subdivision:

I. "Director" means the director of information technology management.

II. "Information technology" means the equipment and software used in electronic data processing and in voice and data communications.

III. "Information technology management" means the management of the equipment, software, personnel, budgets, and other resources involved in the operation of electronic data processing and voice and data communications.

21-I:67 Office Established; Functions. There is hereby established the office of information technology management, which shall be administratively attached to the department of administrative services. The office shall be under the supervision of a director of information technology management, who shall be responsible for the following functions:

I. Providing technical information technology consultation to any agency which requests it, including technical advice during the development or acquisition of information systems.

II. Monitoring technological trends and informing all state employees and officials about state of the art information systems and management techniques.

III. Developing a formal information technology planning process for approving agency information technology plans, provided that a legislative appropriation shall be considered final approval for any project requiring expenditure of funds.

IV. Preparing and maintaining a statewide information technology plan based upon agency data processing plans.

V. Reviewing and assessing the feasibility of agency plans, including cost estimates and impacts on other agencies.

VI. Developing those standards necessary to assure that hardware, software, and telecommunications systems acquired or developed by the state are as compatible among themselves and with existing state systems as is necessary and practical.

VII. Providing training and educational programs to technicians and managers.

VIII. Monitoring and reporting to the governor and legislature on the effectiveness of the use of information technology resources and on statewide progress in implementing technology plans.

IX. Coordinating information technology development efforts that affect multiple agencies or other levels of government.

X. Assigning to the various data centers throughout the state the data processing operations service responsibilities for those state agencies which do not have access to a data center and which request to be provided with such a service.

XI. Developing in concert with the commissioner of administrative services and the budget director the capital and operating budget requests for implementing each agency's information technology plan, including, but not limited to, appropriate standards for the uniform presentation of the general budget requests.

XII. Developing in concert with the director of plant and property management specifications for the procurement of computer equipment and software.

21-I:68 Director; Qualifications; Compensation.

I. The director shall be appointed by the governor, with the consent of council, and shall serve at the pleasure of the governor.

II. The director of the office shall be qualified to hold his position by reason of education and experience. He shall possess a broad working knowledge, with demonstrated expertise and proven organizational skills in the field of information technology management.

III. The salary of the director of the office shall be as specified in RSA 94:1-a.

21-I:69 Special Duties. In addition to the powers, duties, and functions otherwise vested in the director by RSA 21-I:67, the director shall:



I. Develop and implement, subject to approval by the governor and the legislature, a long-range information technology plan for the state of New Hampshire.

II. Report to the governor and to the legislature on January 1 of each year as to the progress made in implementing the state information technology plan.

III. Act as chairman of the information technology management advisory board.

IV. Establish technical committees to advise office staff in the development of technical standards, procedures, and processes.

21-I:70 Rulemaking. Notwithstanding any other provision of law, the director shall have the authority to adopt rules, pursuant to RSA 541-A, and to enforce such rules.

21-I:71 Information Technology Management Advisory Board.

I. There is hereby established the information technology management advisory board. The board shall advise the office on policy matters, strategic direction, and emerging trends in information technology, and shall review the information technology management office plan and state information technology plans.

II. The board shall consist of the following members:

(a) The director of the office of information technology management.

(b) The commissioner of administrative services.

(c) The commissioner of transportation.

(d) The commissioner of health and human services.

(e) The commissioner of safety.

(f) The commissioner of revenue administration.

(g) The legislative budget assistant.

(h) Two heads of departments, appointed by the governor.

(i) Two senior information technology executives from the private sector, appointed by the governor.

21-I:72 Technical Committees. The director may establish, as needed, working committees to advise the staff on technical issues. Each technical committee shall be composed of personnel from state agencies who are expert in the specific issue that is the focus of the committee. These issues may include but are not limited to:

I. Hardware, software, and telecommunications standards.

II. Information technology planning process.

III. Development of statewide policies and procedures.

3 New Section; Information Technology Plan. Amend RSA 9 by inserting after section 4-a the following new section:

9:4-b Information Technology Plan. Each executive department shall prepare an information technology plan in accordance with the information technology planning process developed by the director of the office of information technology management. The portion of each plan which addresses the upcoming biennium shall define the capital and operating budgets necessary for implementing the plan. The budget data in the information technology plan shall provide for both new information technology initiatives and existing operations and shall be consistent with the budget data submitted under RSA 9:4 and 9:4-a. In the case of the failure of any executive department to submit an information technology plan, the director of information technology management shall cause a plan to be prepared as in his opinion is reasonable and proper.

4 New Paragraph; Legislative Budget Assistant Audit Division. Amend RSA 14:31-a by inserting after paragraph IV the following new paragraph:

V. Conduct audits of the compliance of state agencies with statewide information technology standards and procedures.

5 New Paragraph: Budget Unit of Department of Administrative Services. Amend RSA 21-I:6 by inserting after paragraph VII the following new paragraph:

VIII. Cooperate with the office of information technology management in the preparation of the statewide information technology plan, and incorporation of information technology planning into the budget process.

6 New Paragraphs; Functions of Division of Plant and Property Management. Amend RSA 21-I:11 by inserting after paragraph X the following new paragraphs:

XI. Requiring, prior to an agency's submission of a request for proposal for state data processing equipment, software, or services exceeding \$5,000 in total cost, that the agency obtain approval of the proposal by the director of the office of information technology to ensure that the procurement is consistent with the state information technology plan.

XII. Requiring agencies to submit the approval from the director of the office of information technology in support of requests for purchases of information technology equipment or software in excess of \$5,000.

7 New Paragraph; Bureau of Graphic Services in Division of Plant and Property Management. Amend RSA 21-I:12 by inserting after paragraph III the following new paragraph:

IV(a). A bureau of graphic services under the supervision of a classified administrator of graphic services who shall be responsible for the following functions:

(1) Supervising all state printing and its procurement.  
(2) Ensuring that all legislative printing within the capability of the bureau of graphic services shall, at all times, have priority over other work of the bureau.  
(3) Providing the capability to levy cost charges on the use of each state photocopier.

(4) Using the prison printshop to the extent it can efficiently do so to function as a vocational rehabilitation facility under the direct supervision of prison authority, provided the prison printshop shall be entitled to bid on any appropriate state printing job.

(5) Managing a service operation which shall provide graphic services to all state agencies.

(b) With reference to the bureau of graphic services and the rulemaking authority of the commissioner in this area, "graphic services" shall mean any method of producing written or pictorial representations and shall include, but not be limited to, all forms of photography, photocopy, duplicating and printing.

(c) The following exceptions to the authority of the administrator of graphic services shall apply:

(1) He shall exercise no management or other authority over the state police photo laboratory.

(2) He shall exercise no management or other authority over the printing, duplication, photocopying, photographic or other graphic services equipment or personnel of the university system of New Hampshire, the department of transportation, the department of employment security, and the general court.

8 Prohibition on Future Employment. Amend RSA 21-I:14-b to read as follows:  
21-I:14-b Prohibition on Future Employment.

1. No commissioner, financial data manager, accounting director, [director of information services, or] director of plant and property management of the department of administrative services, *or director of the office of information technology management* shall accept any employment, including work as a consultant or lobby-

ist, with any vendor of goods or services holding a valid contract with the department, in excess of \$10,000 over the previous 2 years, until one year after he shall become separated from the department.

II. No vendor of goods or services holding a valid contract with the department, in excess of \$10,000 over the previous 2 years, shall employ any commissioner, financial data manager, accounting director, [director of information services, or] director of plant and property management of the department *or director of the office of information technology management* until one year after such employee has become separated from the department. Any such vendor who violates the provisions of this paragraph shall be barred from bidding on any future contract with the department for 5 years after such violation.

9 Work Order Required . Amend RSA 21-I:38 to read as follows:

21-I:38 Work Order Required.

I. Notwithstanding any other provision of law to the contrary, [the] *any provider* department [of administrative services], *excluding the legislative branch*, prior to performing *system development or* computer operation services for any user agency, shall obtain a written work order which:

(a) Defines the services being requested by the user agency *and the product to be delivered by the provider department*

(b) Describes the effort which the *provider* department must expend in order to accomplish the services requested and, if 5 man-days or more are required to complete the work, includes a cost estimate.

(c) Is agreed to by both the *provider* department and the user agency, as evidenced by the signatures of representatives of both parties on the work order.

II. Any change or modification to the services requested by the user agency shall likewise be agreed to in writing by a supplement to the pertinent work order approved by both parties.

III. The work order form shall be furnished to the user agency by the *provider* department [of administrative services].

IV. As used in this section, "user agency" means any department, board, commission, institution or other agency or office of the state utilizing data processing services provided by [the] *any other* department [of administrative services], *excluding the legislative branch*.

10 Data Base Management Advisory Committee.

I. There is hereby established an advisory committee to advise the commissioner of the department of administrative services regarding data base management issues. The committee members shall be as follows:

(a) The speaker of the house of representatives, or designee.

(b) The president of the senate, or designee.

(c) The governor, or designee.

(d) Two members of the house of representatives, appointed by the speaker of the house of representatives. The speaker may appoint alternates for these positions.

(e) Two members of the senate, appointed by the president of the senate. The president may appoint alternates for these positions.

(f) The commissioner of the department of administrative services who shall act as chairman of the committee.

II.(a) The advisory committee shall serve as the transition authority to coordinate and oversee the transition to the new data processing management structure. During the transition period, in the absence of a state information technology plan, the direc-

tor of the office of information technology management shall review and approve requests for proposals in accordance with RSA 21-I:11, XI to ensure that the procurement is consistent with agency budget requests, current operating environments, and any other criteria as may be determined by the advisory committee to be in the best interest of the state. The committee shall be authorized to provide any reviews and approvals required of the director of the office of information technology management until the appointment of a director of that office.

(b) Notwithstanding other provisions of the law, the data base management advisory committee shall be authorized to approve transfers of personnel, positions, and equipment between the data processing units of the department of administrative services, the office of information technology, the department of health and human services, and other user agencies. In addition, the committee shall be authorized to establish positions and to review and revise, when necessary, job specifications and supplemental job descriptions within the data processing units of the department of administrative services, the office of information technology, and the department of health and human services, and other user agencies within the limits of appropriated funds. The advisory committee shall not transfer funds unless such transfer is approved by the fiscal committee.

(c) At the direction of the data base management advisory committee, the commissioner of administrative services shall submit a plan for the transfer, where feasible, of systems development support directly to the end users of those services. The committee, upon approval of said plan, shall set the schedule and oversee the implementation of the system development decentralization process.

(d) At the direction of the data base management advisory committee, the commissioner of health and human services and the commissioner of the administrative services shall each submit detailed support plans which demonstrate their ability to provide computer operations support to other user agencies in a decentralized environment. The committee, upon the approval of said plan, shall set the schedule and oversee the implementation of the computer operations decentralization process.

III. The advisory committee shall submit a comprehensive report including its recommendations and a summary of its activities to the governor, senate president, and speaker of the house on or before December 31, 1992.

11 Report; Date Extended. Amend 1989, 408:91 as amended by 1990, 184:2 to read as follows:

408:91 Report. The study committee shall submit a comprehensive report with its recommendations to the governor, senate president, and speaker of the house on or before its termination date in 1991 [covering detailed operational procedures, hardware and software acquisition criteria, and any proposed legislation necessary to fully implement its recommendations]. Public notice of each meeting which the committee holds in order to perform its duties shall be placed in the house and senate calendars. Minutes of such meetings shall be available for public inspection by every citizen during regular business hours.

12 Moratorium Date Extended; Committee Approval Required. Amend 1990, 184:5 to read as follows:

184:5 Limitation on Acquisition or Disposal of Computer Equipment by Department of Administrative Services. Other provisions of law notwithstanding, [for the biennium ending] *until* June 30, [1991] **1992**, other than for purposes of maintaining current operational levels, including projects currently approved by 1990, 1 (HB 1500-FN-A) [or] other special act, *or with the prior approval of the data base man-*



*agement advisory committee*, [the division of information services,] *the* department of administrative services, *and the department of health and human services*, shall not acquire by purchase, lease, or other method, and shall not dispose of by any method, any computer hardware or software that will modify or change current operations or applications for data entry, processing of data, or report generation. After the completion of the study authorized by 1989, 408:89 and 408:91, the committee may recommend, for introduction at the next session of the legislature, legislation to implement any or all of the report recommendations.

13 Position Abolished. The unclassified position of director of the division of information services is hereby abolished when the current incumbent resigns or when his commission expires, whichever is earlier.

14 Salary. Amend RSA 94:1-a, I by inserting in group P the following: Director, office of information technology management.

15 Salary. Amend RSA 94:1-a, I by deleting in group P the following: Director, division of information services.

16 Transition. All books, papers, records, equipment, unexpended appropriations, classified personnel, actions, records and other property or obligations of the division of information services are hereby transferred to the financial data management unit.

17 Appropriation; Office of Information Technology Management; Department of Administrative Services; Department of Health and Human Services. The following funds are hereby appropriated for the fiscal year ending June 30, 1992, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

01 General Government

04 Dept Administrative Services

01 Office of the Commissioner

03 Financial Data Management

99 OIT/Data Processing Reorganization \* 574,631

Total 574,631

Estimated source of funds for

Financial Data Management

01 Transfers from other agencies 574,631

Total 574,631

\* No expenditures will be made from these funds without the prior approval of the data base management advisory committee

05 Health and Social Services

01 Dept of Health and Human Svcs

01 Office of the Commissioner

02 Office of Mgmt & Budget

02 Data Management

29 Transfers to Financial Data Management 574.631

Total 574.631

Estimated Source of funds for

Data Management

00 Federal Funds 574.631

Total 574.631

18 Repeal. The following are repealed:

I. RSA 14:30-a, V. relative to fiscal committee review of requests for proposals for state data processing equipment.

II. RSA 21-I:9, relative to the division of information services.

III. RSA 21-I:10, relative to internal organization.

IV. RSA 21-I:14, IV. relative to the rulemaking authority of the commissioner of administrative services.

V. RSA 21-I:39, relative to municipal data processing contracts.

VI. RSA 21-I:40, relative to payments to the department of administrative services.

VII. 1989, 408:91, as amended by 1990, 184:2, relative to the report of the data processing and computer management study committee.

19 Effective Date.

I. Sections 10-13 of this act shall take effect upon its passage.

II. Section 15 of this act shall take effect December 31, 1991.

III. The remainder of this act shall take effect July 1, 1991.

#### AMENDED ANALYSIS

This bill establishes an office of information technology management.

This bill also establishes a data base management advisory committee to oversee the transition to the new data processing management structure.

This bill makes an appropriation to the office of information technology management, department of administrative services and department of health and human services for the purposes of such office.

Conferees on the Part of the Senate: Sen. Dupont, Dist. 6, Sen. Delahunty, Dist. 22, Sen. Nelson, Dist. 13.

Conferees on the Part of the House: Rep. Ward, Graf. 1, Rep. Goulet, Hills. 11, Rep. D. Hall, Merr. 7, Rep. Pelley, Straf. 10.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 183-FN

The committee of conference to which was referred Senate Bill 183-FN, An Act relative to the Lamprey Regional Solid Waste Cooperative having considered the same, report the same with the following recommendations:

The committee is unable to reach agreement.

Conferees on the Part of the Senate: Sen. Dupont, Dist. 6, Sen. Shaheen, Dist. 21, Sen. W. King, Dist. 2.

Conferees on the Part of the House: Rep. E. Greene, Rock. 18, Rep. Trombly, Merr. 4, Rep. Terninko, Rock. 2, Rep. Hanselman, Hills. 17.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 195-FN

The committee of conference to which was referred Senate Bill 195-FN, An Act relative to campaign expenditure limitations having considered the same, report having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

I Declaration of Purpose. Amend 1989, 212:1, IV to read as follows:

IV. Unimpeded access to the ballot is crucial to the realization of the constitutional guarantee of a representative form of government. The philosophical basis for democracy is the equal opportunity to participate. Greater participation increases effective representation, preserving the political power guaranteed to the people by the constitution. Expenditure limitations will allow greater ballot access, freer competition of ideas through individual speech and interaction, and more competitive campaigns. Voluntary compliance with expenditure limitations will help provide greater ballot access, which by its nature is necessary to and a part of the election process. *In further recognition of the state's traditional role in regulating ballot access and candidate qualifications, the general court finds that these objectives can be accomplished by the voluntary procedure set forth herein.* The general court finds that these objectives can be accomplished by campaign expenditure limitations.

2 Filing Declaration of Intent with Secretary of State. Amend RSA 655:14-a to read as follows:

655:14-a Filing by Other Candidates. Every candidate for state or federal office who intends to have his name placed on the ballot for the state general election by means other than nomination by party primary shall file a declaration of intent with the [appropriate official] *secretary of state* as provided in RSA 655:17-a or RSA 655:17-b during the same time period in which party candidates file a declaration under RSA 655:14.

3 Filing Fees for all Candidates. RSA 655:19 is repealed and reenacted to read as follows:

655:19 Filing Fees.

I. At the time of filing declarations of candidacy, each candidate for the following offices shall pay to the official with whom the declarations are filed the following filing fees, and shall file with the appropriate official the requisite number of primary petitions as provided in RSA 655:20 and 655:22, unless the candidate agrees to limit his expenditures in accordance with RSA 664:5-a. At the time of filing declarations of intent, each candidate for the following offices shall pay to the secretary of state the following filing fees, and the following filing fees shall be paid in addition to the requisite number of nomination papers which must be submitted and filed. The filing fee paid under this section shall be in addition to the administrative assessment paid under RSA 655:19-c. The filing fees shall be as follows:

(a) For governor, United States senator, and representative to Congress, \$5,000.

(b) For executive councilor, \$500.

(c) For county officer, \$100.

(d) For state senator, \$100.

(e) For state representative, \$25.

II. The fees paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The fees paid to the secretary of state shall be deposited by him in the general fund.

4 Reference to Filing Declaration of Intent. Amend RSA 655:19-b to read as follows:

655:19-b Waiver of Filing Fee *and Primary Petitions*.

I. A candidate for any of the offices enumerated in RSA 655:19 who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b shall have the filing fee *under RSA 655:19* either waived or refunded, *and shall have*

*the requirement for filing petitions under RSA 655:20 waived*, as provided in paragraph II.

II. If a candidate files the affidavit as specified in RSA 664:5-a at the time he files the declaration of candidacy *or declaration of intent*, the filing fee *required under RSA 655:19 and the petitions required to be filed under RSA 655:20* shall be waived. If such affidavit is filed within [10] 3 days following the filing of the declaration of candidacy, the appropriate officer shall refund the filing fee paid by the candidate as soon as practicable.

5 New Section: Administrative Assessment and Primary Petitions. Amend RSA 655 by inserting after section 19-b the following new section:

655:19-c Administrative Assessment; Primary Petitions; Nomination Papers.

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III in addition to the filing fee and primary petition requirements of RSA 655:19 and 655:20. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I in addition to the filing fee required by RSA 655:19 and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b. At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

- (a) For governor and United States senator, \$100.
- (b) For representative to Congress, \$50.
- (c) For executive councilor, \$25.
- (d) For state senator, \$10.
- (e) For county officer, \$10.
- (f) For state representative, \$2.

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by him into the general fund.

III. Any person otherwise qualified to run for office who chooses not to pay the administrative assessment as prescribed in paragraph I may have his name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

6 Filing Primary Petitions. Amend RSA 655:20, II to read as follows:

II. Any person qualified to run for office who does not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitation set forth in RSA 664:5-b shall, in order



to have his name printed on the primary ballot of any party, in addition to the filing fees prescribed in RSA 655:19, file with the appropriate official the requisite number of primary petitions *required under RSA 655:22* made by members of the party, together with one written assent to candidacy. *Primary petitions filed under this section shall be filed in addition to the requirement for filing petitions under RSA 655:19-c.*

7 Filing Number of Petitions. Amend RSA 655:22 to read as follows:

655:22 Number of Petitions. The number of primary petitions to be filed for each office under RSA 655:20 shall be as follows: for governor and United States senator, 2,000; for representative in Congress, 1,000; for executive councilor, *500; for* county officer, *100; [and] for* state senator, [500] *100*; for state representative, [20] *10*. Candidates for delegate to the state convention shall not be required to submit any primary petitions. *The provisions of this section shall apply to candidates who do not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b. Primary petitions filed under this section shall be in addition to the number of petitions filed under RSA 655:19-c.*

8 Application of Excess Campaign Contributions Restrictions to Congressional Elections. Amend RSA 664:1 to read as follows:

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, but shall not apply to presidential preference primaries. The provisions relating to political advertising, RSA 664:14 through 17-a, shall additionally apply to city, town, school district and village district elections. The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, [and excess campaign contributions, RSA 664:4-c.] shall additionally apply to elections for United States senator and representative to Congress.

9 Expenditure Redefined. Amend RSA 664:2, IX to read as follows:

IX. "Expenditure" shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future *for the purpose of influencing the nomination for election or election of any candidate*. It does not include the candidate's filing fee or his expenses for personal travel and subsistence.

10 New Paragraph; Independent Expenditures Defined. Amend RSA 664:2 by inserting after paragraph X the following new paragraph:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity expressly advocating the election or defeat of a clearly identified candidate which are made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

11 Reference to Independent Expenditures. Amend RSA 664:3, 1 is repealed and reenacted to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall register with the secretary of state before receiving any contribution or making any expenditure, and in no event shall any political committee register with the secretary of state later than the second Wednesday following any primary election. The

registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including the full name of each candidate, a statement of the name, address, occupation, and principal place of business of its chairman, treasurer, and other officers, and a declaration signed by its chairman and treasurer that the political committee will not exceed the expenditure limitations allowed under RSA 664:5, V.

12 Reference to Independent Expenditures. Amend RSA 664:3, II to read as follows:

II. No member of a political committee, except members of political committees of political parties, shall do any act directly or indirectly on behalf of the committee to promote the success or defeat of a political party, a measure or a candidate, until the statements required by paragraph I are filed. *Only those political committees that have filed a declaration with respect to independent expenditures as provided in paragraph I may make such expenditures.*

13 Prohibited Political Contributions. Amend the introductory paragraph of RSA 664:4 to read as follows:

No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or political party, or in behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate or political party *at any state primary or general election:*

14 Limiting Amount of Political Contribution. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a candidate in behalf of his own candidacy, *or if in excess of \$1,000 in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a*, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if in any other manner concealed, (5) if made without the knowledge and written consent of the candidate or his fiscal agent, a political committee or its treasurer, or not to any one of the same.

15 New Paragraph: Prohibited Political Expenditures. Amend RSA 664:5 by inserting after paragraph IV the following new paragraph:

V. No political committee shall make independent expenditures in excess of \$1,000 for any or against any candidate running for a particular office in a state primary election, and a like amount in a state general election, in support of or to oppose any candidate.

16 Reference to Declaration of Intent. Amend RSA 664:5-a, III to read as follows:

III. Affidavits in compliance with this section shall be filed within [10] 3 days after the date on which a candidate files his declaration of candidacy *or his declaration of intent*, or is declared a write-in winner of a primary election.

17 New Paragraph: Political Expenditures for Primary and General Elections. Amend RSA 664:5-b by inserting after paragraph V the following new paragraph:

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, total expenditures shall mean the sum of all expenditures made to

influence either a state primary or a state general election made by a candidate and those made on his behalf by his committee or committees, his party, and his immediate family. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

18 Advisory Committee; Additional Member. Amend RSA 664:5-c, II to read as follows:

II. The committee shall consist of the secretary of state, and [4] 5 other members: one person appointed by the house majority leader; one person appointed by the house minority leader; one person appointed by the senate majority leader; [and] one person appointed by the senate minority leader; *and one person appointed by the governor.*

19 Additional Reports. Amend RSA 664:6, I and II to read as follows:

I. Any political committee whose receipts or expenditures in support of a candidate, measure or political party exceed \$500 *except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate*, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and post office address of the contributor in alphabetical order and the amount of the contribution and the date it was received. [Such report] *The statement* shall be filed not later than the Wednesday [3] 12 weeks immediately preceding [an] *a primary* election, before 5 o'clock in the afternoon, and shall cover the period beginning on the day of the committee registration [or report, whichever is later.] and ending on the Monday before the [report] *statement* is due. All receipts of \$25 or under shall appear on the [reports] *statements* as unitemized receipts. Any listing exceeding \$100 shall be accompanied by the contributor's occupation and principal place of business, if any. The statement shall also show each committee expenditure with the full name and address of persons, corporations, committees or to whomever paid or to be paid and the date paid, with the specific nature and amount of each expenditure since the date of the registration [or report, whichever is later].

II. [A second] *AnE* itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding [an] *a primary and a general* election, before 5 o'clock in the afternoon. [Such report] *The statement* shall summarize the [first] period *under paragraph I if a statement is filed and shall* itemize all receipts and expenditures since the cutoff of [the first] *that* statement up until the Monday preceding the filing of the [second report. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution exceeding \$500 which is received after the second report is filed and prior to the day of election] *statement under this paragraph.*

20 New Paragraph; Itemized Statement on Wednesday Preceding Election. Amend RSA 664:6 by inserting after paragraph II the following new paragraph:

II-a. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be



notified by the fiscal agent within 24 hours of any contribution exceeding \$500 which is received after the statement under this paragraph is filed and prior to the day of election.

21 Itemized Statement as of Day of Election. Amend RSA 664:6, III to read as follows:

III. [A third] *An* itemized statement in the same form as in paragraph I summarizing the [periods of the first and second] *previous* statements *if such statements are filed* and itemizing all receipts and expenditures since the cutoff of the [second] *previous* report *and ending on the day of the primary or the general election* shall be filed with the secretary of state not later than the second [Friday] *Wednesday* after the election, before 5 o'clock in the afternoon.

22 New Paragraph: Itemized Statement for Expenditures Exceeding \$500. Amend RSA 664:6 by inserting after paragraph IV the following new paragraph:

IV-a. Any political committee whose independent expenditures exceed \$500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totalling \$500 were made. Each statement shall contain the date of the independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

23 Information Required on Statement. Amend RSA 664:7 to read as follows:

664:7 Reporting by *Candidates*. Each candidate at the primary or *general* election for governor, councilor, state senator, representative to general court, or county officer, who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, [I-VI], *II, II-a, III, IV, and V*, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

24 Signature of Treasurer of Political Committee. Amend RSA 664:14, I and II to read as follows:

I. All political advertising shall be signed at the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the [secretary] *treasurer* of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it. Said signature shall clearly designate the name of the candidate, party or political committee by or on whose behalf the same is published or broadcast.

II. Political advertising to promote the success or defeat of a measure by a partnership, corporation, labor union, or other organization shall be signed. The name of such organization shall be indicated and the chairman or [secretary] *treasurer* of such



organization shall sign his name and address. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

25 New Paragraph; Advertising by Political Committee. Amend RSA 664:14 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other provision of this section, any advertising in support of or in opposition to a candidate by a political committee not authorized by the candidate or candidate committee shall so state.

26 Investigation of Complaint Concerning Violation of RSA 664. RSA 664:18, I is repealed and reenacted to read as follows:

I. Upon receipt of such complaint, the attorney general or his designee shall review the complaint, and where sufficient evidence of a violation is presented, conduct investigations to determine whether a violation of this chapter has occurred.

27 Power of Attorney General. RSA 664:21, III is repealed and reenacted to read as follows:

III. Nothing in this section shall be construed to limit the enforcement powers of the attorney general under RSA 664:18.

28 New Paragraphs; Additional Penalties. Amend RSA 664:21 by inserting after paragraph III the following new paragraphs:

IV. In addition to the fines levied under paragraph I, any person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every day for which the report or statement is late and until the report or statement is actually filed.

V. The provisions of this paragraph shall apply to violations of this chapter other than the violation of RSA 664:5-a and 5-b, and a person liable under the provisions of this paragraph shall not also be subject to the penalties imposed under paragraphs I, II and IV. Any person who otherwise violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

29 New Section; Severability. Amend RSA 664 by inserting after section 22 the following new section:

664:23 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect any other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

30 Repeal. 1989, 212:1, VI, relative to a declaration of purpose and changes in federal law, is repealed.

31 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill amends the law on campaign expenditure limitations.

The bill makes it apply to candidates who intend to have their names placed on the state general election ballot by means of primary petitions or nominating petitions. The current law only applies to candidates who are nominated in their party primary, and to write-in candidates.

The bill also:

(1) Changes the membership on the advisory committee which monitors campaign financing statutes.

(2) Requires a candidate who does not voluntarily accept expenditure limitations to pay both a filing fee and to file primary petitions.

(3) Establishes minimum filing fee and primary petition requirements, regardless of whether a candidate voluntarily accepts expenditure limitations.

(4) Adds new definitions for "expenditures" and "independent expenditures."

(5) Limits the independent expenditures which a political committee may make to support or oppose candidates.

(6) Adds new penalty provisions for violation of RSA 664.

Conferees on the Part of the Senate: Sen. Bass, Dist. 11, Sen. St. Jean, Dist. 20, Sen. Delahunty, Dist. 22.

Conferees on the Part of the House: Rep. Flanagan, Rock. 8, Rep. Holden, Hills. 9, Rep. Simon, Rock. 9, Rep. Gilmore, Straf. 7.

Report adopted.

#### **COMMITTEE OF CONFERENCE REPORT ON SB 208-FN**

The committee of conference to which was referred Senate Bill 208-FN, An Act relative to the administration of the tax on legacies and successions and other tax laws relating to decedents having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sen. McLane, Dist. 15, Sen. Russman, Dist. 19, Sen. Hollingworth, Dist. 23.

Conferees on the Part of the House: Rep. D. Sytek, Rock. 20, Rep. E. Chandler, Merr. 1, Rep. Saunders, Carr. 5, Rep. Gureckis, Hills. 30.

Report adopted.

#### **CONFERENCE REPORTS ON HOUSE BILLS**

**HB 62-FN**, relative to retirement allowances under the New Hampshire retirement system. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 104-FN**, relative to a public water rights report and advisory committee. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 131-FN**, relative to liability for acts which create situations requiring unnecessary emergency responses. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 142-FN**, relative to school district budgets. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 143-FN**, relative to the liquor commissioner's authority to close liquor stores. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 161-FN**, to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement system. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 171-FN**, relative to maintaining the “Old Man of the Mountain.” (Report printed SJ 30, 6/11/91)

Rep. Michael Hill moved that the Committee of Conference report on HB 171-FN be laid on the table.

Adopted.

Rep. Schotanus moved that the Committee of Conference Report on HB 171-FN be removed from the table.

Adopted.

Report adopted.

**HB 203-FN**, relative to the confidentiality of quality assurance records of community mental health centers. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 210-FN**, creating a committee to study artificial impoundments. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 250-FN**, relative to the board of nursing. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 274-FN**, relative to sentencing to county correctional facilities. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 323-A**, relative to the Cheshire Bridge and making an appropriation therefor. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 325-FN**, relative to reciprocity of dog training. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 330-FN**, establishing a committee to study the issue of an office of the ombudsman for children. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 334-FN**, relative to the establishment of agency liquor stores. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 341-FN**, relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 363-FN**, relative to criminal record checks and fees charged for criminal record checks. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 416-FN-A**, relative to drug-free school zones and making appropriations therefor. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 451-FN**, relative to the licensing of residential care and health facilities. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 461-FN**, relative to notice for out of district placement by the court. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 462**, relative to special education hearing officers. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 486-FN**, relative to collection of forfeitures of recognizances by the division of motor vehicles. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 488-FN**, relative to the flexible spending programs. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 502-FN-A**, relative to child care resource and referral systems and making an appropriation therefor. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 515-FN**, giving legislative approval to the division of water resources, department of environmental services to accept certain dams if repair costs are paid by the current owners. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 523-FN**, relative to local cease and desist orders for zoning, planning and code violations. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 532**, relative to the color of ballots used in municipal elections. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 560-FN**, relative to bacteriological standards and reclassifying certain waters. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 563-FN**, relative to the creation of trust funds and relative to unanticipated school funds. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 572** relative to exclusions in automobile insurance. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 576-FN**, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 577**, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board. (Report SJ 30, 6/11/91)

Report adopted.

**HB 581**, relative to personal property of tenants. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 595-FN**, relative to citations for building code and land use violations. (Report printed SJ 30, 6/11/91)

Report adopted.



**HB 603-FN**, to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts. (Report printed SJ 30, 6/11/91)

Report adopted.

### SUSPENSION OF RULES

Rep. David Dow moved that the rules be so far suspended as to permit the House to consider the Committee of Conference report on HB 607 which contains a non-germane amendment. (Section 4)

Adopted by the necessary two-thirds.

**HB 607**, permitting actions for damages resulting from violations of workers' compensation laws by bidders on construction contracts. (Report printed SJ 30, 6/11/91)

Report adopted.

### CONFERENCE REPORTS ON HOUSE BILLS

**HB 611-FN**, relative to plastic holding devices used in packaging. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 613-FN**, relative to the procedures of the certificate of need board. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 627-FN**, relative to the treatment of repeat DWI offenders. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 648-FN**, relative to the industrial development authority and the housing finance authority. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 688**, relative to the Mount Washington Regional and the Berlin Municipal Airports. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 709-FN**, establishing a study committee relative to clearcutting forest resources and extending the effective date for rulemaking by the board of licensing for foresters. (Report printed SJ 30, 6/11/91)

Rep. Michael Hill moved that the Committee of Conference report on HB 709 be laid on the table.

Adopted.

**HB 713-FN**, relative to the general counsel of the public utilities commission. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 745-FN**, relative to sewage disposal systems. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 751-FN**, concerning the procedure for local enforcement of certain state environmental laws. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 761-FN**, relative to leasing certain state land. (Report printed SJ 30, 6/11/91)

Report adopted.

**HB 771-FN**, relative to sentencing and parole. (Report printed SJ 30, 6/11/91)  
Report adopted.

**HB 780-FN**, relative to water treatment plant operators and fees for water system permits. (Report printed SJ 30, 6/11/91)  
Report adopted.

**HB 784-FN**, creating a long-range construction program for New Hampshire's highways and highway bridges. (Report printed SJ 30, 6/11/91)  
Report adopted.

### SENATE MESSAGE

#### REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT REQUESTS NEW COMMITTEE OF CONFERENCE

**HB 328-A**, relative to a new Manchester district court facility and making an appropriation therefor.

The President appointed Sens. J. King, Podles and St. Jean.

Rep. Gene Chandler moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Alukonis, LaMott and O'Rourke.

### ENROLLED BILLS REPORT

**HB 211**, relative to administrative fees of the air resources division and continually appropriating such fees.

**HB 353**, to tax smokeless tobacco and making an appropriation therefor, and relative to prohibiting the use and possession of tobacco products by persons under 18 years of age.

**SB 38**, exempting dividends earned by investors in certain mutual funds from the interest and dividend tax.

**SB 72**, establishing and continually appropriating a fund for the purchase of vaccines.

Rep. Marsh, Sen. Currier  
for the Committee

The Concord Delegation offered the following:

#### HOUSE RESOLUTION NO. 26

observing the city of Concord's role and history  
as capital of New Hampshire

WHEREAS, the city of Concord, since 1814, has served officially as capital and seat of state government for the people of New Hampshire, and

WHEREAS, for several decades prior to 1814, the city of Concord did serve as New Hampshire's unofficial capital and ultimately did repel all challenges from other eligible communities that sought to become the state capital, among them being Manchester, Hopkinton and Salisbury, and

WHEREAS, throughout the years, Concord has grown and become a capital city which engenders pride in every New Hampshire citizen, and

WHEREAS, in June of 1791, the New Hampshire General Court, for the very first time did meet in a special Town House which was built by the citizens of Concord who expended \$755 of their own money, to house the Legislature, and

WHEREAS, at that time, the Legislature did resolve that "the thanks of the General Court be returned to the town of Concord for the generous and very polite offer

made by the Select Men in behalf of said town of the use of the well-designed and elegant public building lately erected for the accommodation of the General Court," and

WHEREAS, the 1791 General Court also did resolve that "this mark of attention and liberality in the town of Concord will be gratefully remembered by the Legislature, whose deliberations will be facilitated by improving the fabric of the laudable purposes for which it was erected; and the rising prosperity of this town will at all times add to the happiness of the General Court," and

WHEREAS, that historic first home of the General Court was a one-story building which stood at the present site of the Merrimack County Court House and did include chambers for the 80-member House and the 12-member Senate, along with several committee rooms, and

WHEREAS, the spirit of cooperation and pride in the democratic process that marked the beginning of Concord's history as capital of the State of New Hampshire does, indeed, remain with us today, now therefore be it

RESOLVED by the House of Representatives, in regular session convened, that deepest gratitude be expressed to the citizens of Concord for their continued hospitality and generosity toward state government personnel and particularly the members of the General Court, and be it further

RESOLVED that the House of Representatives voice its appreciation for all that the City of Concord has done to further the cause of the free exercise of democracy in New Hampshire, and the hope that this cooperative relationship will grow ever stronger in the years ahead, and be it further

RESOLVED that copies of this resolution be presented to the Mayor of Concord and to the members of the Concord City Council.

Adopted.

The Durham Delegation offered the following:

#### **HOUSE RESOLUTION NO. 27**

saluting the University of New Hampshire Space Science Center

WHEREAS, the Space Science Center at the University of New Hampshire has played a major role in the conception, design, construction and operation of the CONTEL telescope, one of the four instruments on the NASA Gamma Ray Observatory recently launched by the space shuttle, and

WHEREAS, by having its proposal, known as the CONTEL project, accepted by NASA, the University of New Hampshire Space Science Center won out in a competition among the most prestigious universities in the country, and

WHEREAS, the CONTEL project has infused more than a million dollars into the New Hampshire economy, while affording opportunities to students to conduct research and earn money for their educations, and

WHEREAS, the CONTEL project team at the University of New Hampshire was led by Professor Jack Lockwood and his successor Jim Ryan, who each, throughout the fourteen years of the project, demonstrated great dedication, persistence and enthusiasm, and

WHEREAS, the University of New Hampshire Space Science Center has blossomed into a world-class research facility that attracts world-class scientists, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that the University of New Hampshire Space Science Center be saluted

and lauded for its scientific achievements and successes with the CONTEL project, and be it further

RESOLVED, that all past and present faculty, students and staff who have contributed to the successes of the University of New Hampshire Space Science Center be saluted as outstanding citizens of New Hampshire, and that a suitable copy of this Declaration be prepared for presentation to project leaders.

Rep. Corte spoke in favor.

Adopted.

### REMOVED FROM THE TABLE

Rep. Hager moved that the Committee of Conference Report on HB 709-FN, establishing a study committee relative to clearcutting forest resources, be removed from the table.

Adopted.

### SUSPENSION OF RULES

Rep. Hager moved that the rules be so far suspended as to permit the House to consider the Committee of Conference report on HB 709-FN which contains a non-germane amendment. (Section 4)

Adopted.

**HB 709-FN**, establishing a study committee relative to clearcutting forest resources and extending the effective date for rulemaking by the board of licensing for foresters. (Report printed SJ 30, 6/11/91)

Report adopted.

Reps. Gross and Chambers moved that the Speaker be authorized to nonconcur and request committees of conference on HBs 40, 41, 336, 549 and 785 should they be amended and passed by the Senate.

Adopted.

Rep. Gross moved that the House stand in recess for the purpose of Enrolled Bills Reports and Enrolled Bills Amendments only.

Adopted.

The House recessed at 4:55 p.m.

### RECESS

(Rep. Ann Torr in the Chair)

### ENROLLED BILLS AMENDMENTS

Rep. Michael Hill moved that the House adopt all enrolled bills amendments currently in the possession of the Clerk

Adopted.

**SB 126-FN**, relative to groundwater classification.

### Amendment

Amend RSA 485-C:8, III(c)(2) as inserted by section 1 of the bill by replacing line 2 with the following:  
with all applicable chapters of RSA title XL and



Amend RSA 485-C:11, I as inserted by section 1 of the bill by replacing line 5 with the following:

developed, administered and enforced by the New

**SB 191-FN**, relative to fines and to loss of driver's license and plates for court defaults and increasing drivers' license fees.

#### Amendment

Amend section 8 of the bill by replacing lines 2 and 3 with the following:

after subparagraph (o) the following new subparagraph:

(p) Criteria for waiver of the default fee required under

**HB 248-FN**, relative to developments having regional impact.

#### Amendment

Amend RSA 36:58 as inserted by section 1 of the bill by replacing line 3 with the following:

regulations enacted under RSA 155-E and RSA 674.

**HB 324-A**, relative to highway projects and bond issuance and making an appropriation therefor.

#### Amendment

Amend the bill by replacing paragraph IV of section 13 with the following:

IV. 1986, 203:5, as amended by 1987, 361:1 and 1990, 242, relative to the New Hampshire turnpike program.

Amend the bill by deleting paragraph VI of section 13.

**HB 327-FN**, relative to the disposal of state-owned real estate.

#### Amendment

Amend RSA 4:40, IV as inserted by section 1 of the bill by replacing it with the following:

IV. This section shall not apply to sale of institutional lands as provided by RSA 10:4, to real estate given or bequeathed to the state under provisions of trust, or to state lands or their products required to be held to procure a continuance of federal conservation work; provided, however, that the state-capitol-region planning commission shall be provided written notice 60 days before any sale in the city of Concord or Concord area. **This section shall also not apply to the exchange of state-owned lands for other lands of equal or greater value, which are under the jurisdiction of a department and used by such department during right-of-way negotiations or to the sale of buildings that need to be moved to clear such right-of-way for public projects found necessary under other state laws.**

**HB 579**, relative to municipal charters.

#### Amendment

Amend RSA 49-B:2, IV(b) as inserted by section 4 of the bill by replacing line 3 with the following:

and a town council or representative town meeting in a town adopting a charter under RSA 49-D.

Amend RSA 49-B:2, IV(d) as inserted by section 4 of the bill by replacing line 1 with the following:

(d) "Legislative body" means a town meeting, representative town meeting, city or town

Amend RSA 49-D:3 as inserted by section 11 of the bill by inserting after paragraph II the following new paragraph:

III. Representative town meeting shall be a variation of the open town meeting, but with legislative authority vested in a group of individuals elected to represent districts within the town. Any charter providing for a representative town meeting shall be guided by the following:

(a) Notwithstanding any other provision of law, all powers of the town meeting conferred by statute or the constitution shall be conferred on the representative town meeting. The representative town meeting shall be empowered to address all matters that the general law requires to be addressed at the annual or a special town meeting, except those matters which by statute or charter must be placed on the official ballot of the town. All procedural requirements prescribed by law relative to the actions of a town meeting shall also apply to the actions of a representative town meeting.

(b) The charter shall specify the manner of district representation; the manner of filling vacancies; powers of nomination, appointment and confirmation; requirements for attendance and quorum; any residency or eligibility requirements of up to one year in the town or district and continued residency during term; specific procedures for the preparation, presentation, public hearing and adoption of annual budgets and designation of a fiscal year; an annual municipal election date pursuant to RSA 669:1; bonding of certain town officials and employees where not required by general law; and requirements for periodic independent audits of all town financial matters by a certified public accountant.

(c) In addition to the elected members, the board of selectmen, town clerk, and chairman of the town budget committee shall be members-at-large. The members-at-large shall have the same rights, privileges, and duties with respect to representative town meeting as the elected members.

(d) The charter may provide for referenda on certain issues to the registered voters of the town-at-large at special town meetings called for the sole purpose of deciding those issues.

**HB 608-FN**, relative to the law enforcement authority of forest rangers and officials of the division of forests and lands.

#### Amendment

Amend RSA 224:55 as inserted by section 4 of the bill by replacing lines 10-12 with the following:

502-A:8. The portion of the fine or forfeiture

**HB 652-FN**, relative to the duties of the board of tax and land appeals and the department of revenue administration.

#### Amendment

Amend the bill by replacing section 8 with the following:

8 References to Exemptions; Date for Notice of Tax. Amend RSA 72:34-a to read as follows:

72:34-a Appeal From Refusal to Grant Exemption or Tax Credit. Whenever the selectmen or assessors refuse to grant an applicant an exemption or tax credit to which he may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j, 23-k, 28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 39, 40, 41, 42, 43-b, 43-f, 43-h, 62, 66, or 70 said applicant may appeal in writing within 6 months of [receipt] **notice of the final tax bill** to the board of tax and land appeals which may order an exemption or tax credit, or an abatement if a tax has been assessed. “**Notice of the final tax bill**” means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.

Amend the bill by replacing section 9 with the following:

9 Notifying Board of Tax and Land Appeals. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at 12 percent per annum shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due that amounts to less than \$5 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in his judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on his list. The collector shall notify the [commissioner of revenue administration] **board of tax and land appeals** in writing of the date on which the last tax bill was sent.

Amend the bill by replacing section 12 with the following:

12 Effective Date.

I. Sections 8 and 9 of this act shall take effect April 1, 1992, at 12:01 a.m.

II. The remainder of this act shall take effect April 1, 1992.

**HB 674-FN**, designating segments of the Pemigewasset, Contoocook and north branch of the Contoocook Rivers as protected rivers.

#### Amendment

Amend RSA 483:9, VI(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure, **lime and wood ash** used for fertilizer, [or lime or wood ash,] and **sludge and septage** shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment:

Amend RSA 483:9-a, VII(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure, **lime and woodash** used for fertilizer, [or lime or wood ash,] and **sludge and septage** shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment;

Amend RSA 483:9-b, VII(b) as inserted by section 4 of the bill by replacing it with the following:

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure, **lime and woodash** used for fertilizer, [or lime or wood ash,] **and sludge and septage** shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated community river or segment;

Amend RSA 483:9-aa, VII(b) as inserted by section 12 of the bill by replacing it with the following:

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure, lime and wood ash used for fertilizer, and sludge and septage shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal high water mark of a designated rural-community river or segment;

**HB 691-FN**, relative to licensing and certification of real estate appraisers and licensing private detectives.

#### **Amendment**

Amend paragraph I of section 36 of the bill by replacing it with the following:

I. Sections 32-35 of this act shall take effect upon its passage.

**HB 700-FN**, relative to highway planning corridors.

#### **Amendment**

Amend RSA 230-A:16 as inserted by section 2 of the bill by replacing line 2 with the following:

chapter shall be the same as for violations of title LXIV, as stated in RSA

**HB 742-FN**, relative to excavation

#### **Amendment**

Amend section 14 of the bill by replacing line 3 with the following:

155-E:4-a **Minimum and Express** Operational Standards. It shall be a violation

Amend the bill by deleting section 15 and renumbering section 16-25 to read as 15-24.

**HB 768-FN**, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefits.

#### **Amendment**

Amend RSA 282-A:85, III as inserted by section 9 of the bill by replacing line 2 with the following:

**be assigned a rate less than the maximum in that paragraph for any fiscal**

#### **RECESS**

Rep. Stacey Cole moved that the House adjourn.

Adopted.



**HOUSE JOURNAL No. 29**

Thursday, June 13, 1991

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Rep. Calvin Warburton, the member from Raymond.

Lord, we're in a mess and we need help. We do not ask this day that we be all of one mind, but that we so conduct ourselves today that this session may be productive. And, while You're about it Lord, if You have any influence with the Senate, we ask that Thou use that influence there. Amen.

Rep. Rodeschin led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Feuerstein, Splaine, Parr, Romeo Jean, Julie Brown, Hoelzel and Vincent, the day, illness.

Reps. Millard, McIlwaine, David Young (military service), Upton, Daniel Healy, Syracuse, Fair, Eugene Gagnon, Shibley, Lown, Gerald Smith, Wadsworth, Braiterman, Copenhaver, William Boucher, Maviglio, John White, A. Gibb Dodge, Dowling, Lynch, Ann Bourque, Markley, Dewhirst, Emma Dodge, David Flanders, Mayhew, Donald Messier, Hultgren, Hynes, MacKinnon, Rheault and Lowell Apple, the day, important business.

Rep. Asplund, the day, death in the family.

Rep. Allison and Wells, the day, illness in the family.

**INTRODUCTION OF GUEST**

Tom Torr, guest of Rep. Ann Torr.

**CONFERENCE REPORTS ON HOUSE BILLS**

**HB 286-FN**, relative to the operation of powerboats on Long Pond in the town of Northwood. (Report printed SJ 30, 6/11/91)

Rep. Stewart spoke in favor.

Report adopted.

**HB 619-FN**, relative to central business districts. (Report printed SJ 30, 6/11/91)

Rep. Grodin spoke in favor and yielded to questions.

Rep. Donna Sytek yielded to questions.

Report adopted.

**HB 328-A**, relative to a new Manchester district court facility and making an appropriation therefor. (Report printed SJ 31, 6/12/91)

Rep. Gene Chandler spoke in favor of the new Committee of Conference report.

Report adopted.

**REMOVED FROM THE TABLE**

Rep. Ward moved that the Committee of Conference report on SB 97, relative to administrative rules and state mandates be removed from the table.

Adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 97**

The committee of conference to which was referred Senate Bill 97, An Act relative to administrative rules and state mandates having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate: Sen. Currier, Dist. 7, Sen. J. King, Dist. 18, Sen. Heath, Dist. 3.

Conferees on the Part of the House: Rep. Kidder, Merr. 2, Rep. W. Boucher, Rock. 23, Rep. Dowd, Rock. 7, Rep. Larochelle, Hills. 38.

Rep. Ward spoke in favor.

Report adopted.

### SUSPENSION OF RULES

Rep. Dickinson moved that the rules be so far suspended as to permit the House to consider the Committee of Conference report on HB 352 which contains a non-germane amendment. (Section 7)

Rep. Dickinson spoke in favor.

Adopted.

**HB 352-FN**, relative to the oil discharge and disposal cleanup fund. (Report printed SJ 30, 6/11/91)

Report adopted.

### COMMITTEE OF THE WHOLE

Rep. Gross moved that the House resolve itself into a committee of the whole, spoke in favor and yielded to questions.

Rep. Michael Hill explained the procedure for the committee of the whole and yielded to questions.

Roll call request sufficiently seconded.

The question being on the motion that the House resolve itself into a committee of the whole.

#### YEAS 191

Cain, Thomas G.  
Johnson, Carl R.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Rice, Thomas E. P., Jr.  
Ziegra, Alice S.

#### YEAS 191 BELKNAP

#### CARROLL

Beach, Mildred A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Bradley, Jeb E.  
Foster, Robert W.

#### NAYS 84

Holbrook, Robert G.  
Turner, Robert H.

Chandler, Gene G.  
Jean, Robert R.

#### CHESHIRE

Cole, Stacey W.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Morse, Jo Ann T.

Crutchley, Donald O.  
Hogan, James B.  
LaMar, David M.  
Sawyer, Alfred P.

Feuer, Joseph N.  
Kennison, Wayne A.  
Laurent, John J.

#### COOS

Brungot, Catherine V.  
Guay, Lawrence J.  
Merrill, Gerald P.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Nelson, Harold D.

Coulombe, Henry W.  
Marsh, Beaton  
Pratt, Leighton C.

**GRAFTON**

Bean, Pamela B.  
 Driscoll, William J.  
 Larson, Nils H., Jr.  
 Scanlan, David M.  
 Whitcomb, Henry F., Jr.

Brown, Channing T.  
 Hill, Richard L.  
 Lougee, Richard W.  
 Shackett, Ralph E.  
 White, Paul R.

Brown, Patricia B.  
 LaMott, Paul I.  
 Nielsen, Niels F., Jr.  
 Teschner, Douglass P.

**HILLSBOROUGH**

Alukonis, David J.  
 Arnold, Barbara E.  
 Calawa, Leon, Jr.  
 Daigle, Robert A.  
 Desrosiers, William J.  
 Durham, Susan B.  
 Gagnon, Eugene L.  
 Hanselman, Gregory L.  
 Jasper, Shawn N.  
 L'Heureux, Robert J.  
 Lawrence, Norman B.  
 Martin, Mary Ellen  
 McNerney, Daniel P.  
 Moore, Elizabeth A.  
 Paquette, Rodolphe G.  
 Record, Alice B.  
 Searles, Stanley N., Sr.  
 Turgeon, Roland M.  
 Wheeler, Robert L.

Amidon, Eleanor H.  
 Baker, George H., Sr.  
 Chasse, Richard D.  
 Daniels, Gary L.  
 Donovan, Francis X.  
 Ferguson, Charles  
 Gagnon, Gabrielle V.  
 Healy, Walter F.  
 Kelley, Dana F.  
 Lachut, Ervin R.  
 Lefebvre, Roland J.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Ouellette, Robert O.  
 Pepino, Leo P.  
 Rodgers, G. Philip  
 Smith, Leonard A.  
 Vanderlosk, Stanley R.

Andrews, Frederick B.  
 Bowers, Dorothy C.  
 Crotty, Edward J.  
 Desrochers, Gerard T.  
 Drolet, Paul L.  
 Gage, Ruth E.  
 Greenglass, Alan B.  
 Holden, Carol H.  
 Kelley, Robert N.  
 Lawrence, Eva M.  
 Lozeau, Donnalee M.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 Packard, Bonnie B.  
 Peters, Stanley W.  
 Sallada, Roland A.  
 Stiles, Walter A.  
 Wheeler, David K.

**MERRIMACK**

Boucher, Laurent J.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Jacobson, Alf E.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Teague, Bert

Chandler, John P.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Stapleton, Henry F.  
 Weeks, John F., Jr.

Daneault, Gabriel J.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Kidder, William F.  
 Molner, Mary E.  
 Stio, Peter M.  
 Whittemore, James A.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Coffey, John J.  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Hurst, Sharleene P.  
 Klemarczyk, Thaddeus E.  
 Malcolm, Kenneth W.  
 Palazzo, Frank J.  
 Rubin, George R.

Campbell, Marilyn R.  
 Connell, David R.  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Flanders, Harry E.  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 Raynowska, Bernard J.  
 Senter, Merilyn P.

Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Katsakiores, George N.  
 Magoon, Harold F.  
 McKinney, Betsy  
 Rosencrantz, James R.  
 Simon, Peter M.

Smith, Arthur W.  
Terninko, Margaret B.  
Warburton, Calvin  
Woods, Deborah L.

Sytek, Donna P.  
Tufts, Arthur  
Welch, David A.

Sytek, John J.  
Vaughn, Charles L.  
Weyler, Kenneth L.

### STRAFFORD

Bickford, Drucilla  
Flynn, Edward J.  
Martling, W. Kent  
Parks, Joe B.  
Tsiros, William

Corte, Arthur B.  
Foss, Patricia H.  
Nehring, William H.  
Pelley, Janet R.  
Wheeler, Katherine W.

Douglass, Clyde J.  
Jankowski, Peter M.  
O'Brien, John  
Torr, Ann M.  
Young, John B.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Peyron, Fredrik  
Schotanus, Merle W.

Domini, Irene C.  
Lindblade, Eric N.  
Porter, Robert H.  
Walsh, Robert R.

Flint, Gordon B.  
Middleton, John A.  
Rodeschin, Beverly T.

### NAYS 84

### BELKNAP

Accornero, Harry  
Salatiello, Thomas B.

Joscelyn, William W.

Rosen, Ralph J.

### CARROLL

Wiggin, Gordon E.

### CHESHIRE

Champagne, Richard L.  
Foster, Katherine D.  
Pratt, Irene A.

Clark, Eugene W.  
Hunt, John B.  
Spear, Susan S.

Doucette, Richard F.  
Perry, David M.

### COOS

Oliver, Terry D.

Theriault, Romeo J.

### GRAFTON

Adams, Carl S.  
Guest, Robert H.

Arnesen, Deborah L.  
Nordgren, Sharon L.

Chambers, Mary P.  
Ward, Kathleen W.

### HILLSBOROUGH

Buckley, Raymond  
Drabinowicz, A. Theresa  
Ford, Nancy M.  
Hall, Betty B.  
Keane, Cornelius J.  
Laughlin, J. Francis  
Murphy, Robert E.  
Pignatelli, Debora B.  
Soucy, Donna M.

Cote, David E.  
Dwyer, Patricia R.  
Green, Scott E.  
Janas, Gregory  
King, Frank P.  
McDowell, James E.  
Nardi, Theodora P.  
Reidy, Frank J.  
Tarpley, Nancy L.

Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Haettenschwiller, Alphonse  
Johnson, Lionel W.  
Kurk, Neal M.  
McRae, Karen K.  
O'Rourke, Joanne A.  
Robinson, Ellen-Ann  
Wright, George W.

### MERRIMACK

Carter, Susan D.  
Jelley, Francis D.  
Soldati, Jennifer G.  
Yeaton, Charles B.

Christie, Thomas J.  
Johnson, Joyce M.  
Trombly, Rick A.

Dunn, Miriam D.  
Letourneau, George E.  
Wallner, Mary Jane



**ROCKINGHAM**

|                      |                         |                      |
|----------------------|-------------------------|----------------------|
| Bell, Juanita L.     | Benton, Richardson D.   | Caswell, Albert, Jr. |
| Clark, Martha Fuller | Dube, LeRoy S.          | Ford, Bert H.        |
| Greene, Elizabeth A. | Kane, Cecelia D.        | Lovejoy, Virginia K. |
| MacDonald, Joseph A. | McCarthy, John J., Jr.  | McGovern, Cynthia A. |
| Schanda, Joseph, Sr. | Schmidtchen, Rowland H. |                      |

**STRAFFORD**

|                      |                       |                   |
|----------------------|-----------------------|-------------------|
| Frechette, Roland A. | Hambrick, Patricia A. | Hashem, Elaine M. |
| Keans, Sandra B.     | Merrill, Amanda A.    | Musler, George T. |
| Spencer, Leo J.      | Sullivan, Henry P.    | Wall, Janet G.    |

**SULLIVAN**

|                    |                  |                  |
|--------------------|------------------|------------------|
| Burling, Peter Hoe | Harland, Jane A. | Tetu, Michael A. |
|--------------------|------------------|------------------|

and the House resolved itself into a committee of the whole.  
Adopted.

With the committee of the whole having dissolved, the House resumed its regular business.

**(Speaker Burns in the Chair)****ENROLLED BILLS REPORT**

**HB 248-FN**, relative to developments having regional impact.

**HB 324-A**, relative to highway projects and bond issuance and making an appropriation therefor.

**HB 327-FN**, relative to the disposal of state-owned real estate.

**HB 443-FN-A**, relative to shoreland protection and making an appropriation therefor and relative to pesticide applications.

**HB 579**, relative to municipal charters.

**HB 608-FN**, relative to the law enforcement authority of forest rangers and officials of the division of forests and lands.

**HB 652-FN**, relative to the duties of the board of tax and land appeals and the department of revenue administration.

**HB 691-FN**, relative to licensing and certification of real estate appraisers and licensing private detectives.

**HB 700-FN**, relative to highway planning corridors.

**HB 742-FN**, relative to excavation.

**HB 768-FN**, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefits.

Rep. Miriam Dunn  
for the Committee

**RECALL FROM GOVERNOR**

Rep. Stewart moved that HB 517, relative to watercraft safety and moorings be recalled from the governor and spoke in favor.

Adopted.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles

of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, June 20, 1991 at 10:00 a.m. or at the call of the Chair.

Adopted.

Rep. Michael Hill moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 5:05 p.m.

## RECESS

### (Speaker Burns in the Chair)

Rep. Gross offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill number 1-FN-A, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILL

### First, second reading and referral

**HB 1-FN-A**, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor. (Rep. Burns of Coos Dist. 5; Sen. Dupont of Dist. 6 - To Ways and Means)

## RECESS

### (Rep. Grodin in the Chair)

## ENROLLED BILLS REPORT

**HB 62-FN**, relative to retirement allowances under the New Hampshire retirement system.

**HB 131-FN**, relative to liability for acts which create situations requiring unnecessary emergency responses.

**HB 143-FN**, relative to the liquor commission's authority to close liquor stores.

**HB 203-FN**, relative to the confidentiality of quality assurance records of community mental health centers.

**HB 274-FN**, relative to sentencing and transfers to county correctional facilities.

**HB 286-FN**, relative to the operation of powerboats on Long Pond in the town of Northwood.

**HB 323-A**, relative to the Cheshire Bridge and making an appropriation therefor.

**HB 328-A**, relative to the new Manchester district court facility and making an appropriation therefor.

**HB 330-FN**, establishing a committee to study the issue of an office of the ombudsman for children.

**HB 334-FN**, relative to the establishment of agency liquor stores.

**HB 341-FN**, relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula.

**HB 352-FN**, relative to the oil discharge and disposal cleanup fund.

**HB 363-FN**, relative to criminal record checks and fees charged for criminal record checks.

**HB 461-FN**, relative to notice for out-of-district placement by the court.

**HB 462**, relative to special education hearing officers.

**HB 488-FN**, relative to the flexible spending programs.

**HB 502-FN-A**, relative to child care resource and referral systems and making an appropriation therefor.

**HB 523-FN**, relative to local cease and desist orders for zoning, planning and code violations.

**HB 563-FN**, relative to the creation of trust funds and relative to unanticipated school funds.

**HB 572**, relative to exclusions in automobile insurance.

**HB 577**, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board and relative to the Pease development authority.

**HB 611-FN**, relative to plastic holding devices used in packaging.

**HB 613-FN**, relative to the procedures of the certificate of need board.

**HB 619-FN**, relative to central business districts and the community development finance authority.

**HB 622-FN**, relative to a debt management plan.

**HB 627-FN**, relative to the treatment of repeat DWI offenders.

**HB 648-FN**, establishing the New Hampshire economic development commission.

**HB 674 FN**, designating segments of the Pemigewasset, Contoocook and north branch of the Contoocook Rivers as protected rivers.

**HB 688**, relative to the Mount Washington Regional and the Berlin Municipal Airports.

**HB 713-FN**, relative to the general counsel of the public utilities commission.

**HB 751-FN**, concerning the procedure for local enforcement of certain state environmental laws.

**HB 761-FN**, relative to leasing certain state land.

**HB 771-FN**, relative to revocation of parole and reparole.

**SB 22**, relative to changes in requirements for psychologists.

**SB 126-FN**, relative to groundwater classification.

**SB 181-FN**, relative to the number of winner take all bingo games allowed on one game date and establishing a committee to study certain gambling events.

**SB 182-FN**, relative to the division of information services.

**SB 191-FN**, relative to fines and to loss of driver's license and plates for court defaults and increasing drivers' license fees.

**SB 208-FN**, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents.

Rep. Miriam Dunn for the Committee

#### RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 30**

Thursday, June 20, 1991

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairisto.

Almighty God, who gives power to achieve far beyond what we can hope or even imagine, as this year's sessions of the House draw near to conclusion, we pray with thanksgiving that You will grant us that power to achieve. Remove the cobwebs from our minds, the haze from our eyes, the extraneous noises from our ears, and any impure motives from our hearts, that with hearts pure and senses clear we might work through the confusion of conflicting claims that surround us, and find worthy solutions to the challenges that are ours as representatives of Your people in this part of Your world. Amen.

Rep. Kennison led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Martling, McCarthy, Parr, Splaine, Feuerstein, Golden, McDowell and Asplund, the day, illness.

Reps. Apple, Julie Brown, McIlwaine, A. Gibb Dodge, Weeks, John Chandler, David Young (military service), Daniel Healy, L'Heureux, Braiterman, Tarpley-Bamberger, Barody, David Flanders, Annette Cooke, LaMar, Melnick, Simon, Walsh, Chulack, Lynch, Keith, Jeffrey Brown, Bucu, Harland and DePecol, the day, important business.

Reps. Gene Chandler and Fields, the day, death in the family.

Rep. Wells, the day, illness in the family.

**INTRODUCTION OF GUESTS**

John Christie, son of Rep. Thomas Christie. Emelda Fagnant, guest of Rep. Romeo Jean. Mrs. John A. Middleton, guest of Rep. Middleton. Mr. and Mrs. John McGovern and Jeffrey St. Onge, guests of Rep. McGovern. Helen Holbrook, wife of Rep. Holbrook Former Representative Richard Ahern, guest of Rep. Burns. John Papademetrios, guest of Rep. Tsiros. Richard Buessing and Dwayne Guillemette, guests of Rep. David Dow.

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Concurrent Resolution number 15, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HCR****First, second reading and referral**

**HCR 15**, requesting the department of revenue administration to change its interpretation of the legislative intent concerning the applicability of the business profits tax to the sale and rental of personal residences. (Hawking of Belknap Dist. 5; Sen. Fraser of Dist. 4 - To Ways and Means)

**COMMITTEE REPORTS****REGULAR CALENDAR**

**SB 151-FN**, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks. **OUGHT TO PASS.**



Senate Bill 151 deals with municipal liability as to streets and sidewalks. The bill gives the methods of notice of insufficiencies of streets and sidewalks. The bill has been reviewed by the Supreme Court, and the Court agrees that Senate Bill 151 (as amended by the Senate) is constitutional. Vote 12-1. Rep. David M. Perry for Municipal and County Government.

Adopted.

Ordered to third reading.

**HB 517-FN**, relative to watercraft safety and moorings. (Recalled from Governor on 6/13/91)

Reps. Stewart and Haynes offered a floor amendment

### **Floor Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Sale Added. Amend RSA 270:25, I to read as follows:

I. No person shall own or operate *or sell or offer for sale*, within the jurisdiction of this state, a boat propelled in whole or in part by gas, gasoline, diesel, or naphtha unless the boat is provided with an underwater exhaust or other muffling device constructed and used so as to muffle the noise of the explosion. *Nothing in this paragraph shall be construed to require an underwater exhaust or other muffling device on a boat that is being sold for salvage purposes.*

2 New Paragraph; Attendance Waived. Amend RSA 270:46-a by inserting after paragraph II the following new paragraph:

III. The commissioner is authorized to waive the attendance requirement at the boat safety course and the penalty imposed under this section.

3 New Section: Penalties Added. Amend RSA 270 by inserting after section 12-c the following new section:

270:12-d Penalties.

I. Any person who buys, receives, possesses, sells or disposes of a boat, boat engine or outboard motor, with knowledge that a hull identification number or serial number has been removed, defaced or changed, with the intent to conceal or misrepresent the identity, shall be guilty of a class B felony if a natural person and guilty of a felony if any other person.

II. It shall be a misdemeanor to buy, receive, possess, sell or dispose of a boat, engine or outboard motor knowing the hull identification number or serial number has been removed, changed or altered. If upon discovery of the removed, defaced, changed, or altered hull identification number or serial number, the person reports it to the nearest police station or the bureau of marine patrol, he shall not be charged with a violation.

III. Anyone who willfully removes, defaces, obliterates, changes or alters a hull identification number, or serial number shall be guilty of a misdemeanor.

IV. Any person who operates a boat on public water while knowingly having in his possession or in any part of the boat a controlled drug, in violation of RSA 318-B, shall be guilty of a misdemeanor and shall have his right to operate a boat suspended for a period of one year.

4 Revocation of Operating Privileges Added. Amend the introductory paragraph of RSA 270-E:17 to read as follows:

270-E:17 Revocation of Registration. In addition to any other authority provided by law, the commissioner is hereby authorized to revoke or suspend any registration

issued pursuant to this chapter *or any privilege to operate a boat, or both*, upon a showing that:

5 New Section; Docking, Mooring Prohibited. Amend RSA 270 by inserting after section 64 the following new section:

270:64-a Docking, Mooring Prohibited.

I. No person shall dock, moor, make fast, or otherwise secure a vessel to a dock or pier of another, knowing that he is not licensed or privileged to do so.

II. The commissioner of the department of safety may adopt rules pursuant to RSA 541-A relative to the operation, mooring or anchoring of commercial and construction vessels and barges.

III. No person shall cause a vessel that he is operating or otherwise in control of, to remain secured in violation of this section in defiance of an order to move such vessel or have such vessel removed, which was personally communicated to him, whether verbally or in writing by the owner or authorized agent of the owner of the structure or other property or by a peace officer.

IV. For the purpose of this section, the commissioner of safety or any peace officer with jurisdiction, may impound any vessel found to be in violation of this section or may order the removal and storage at a place of safekeeping of any such vessel. All reasonable charges of such impoundment, removal and storage shall be a lien against the boat.

V. Any person who violates the provisions of this section or any rules adopted under this section shall be guilty of a violation for a first offense and misdemeanor for any subsequent offense.

6 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1992.

#### AMENDED ANALYSIS

This bill prohibits the sale of boats which are unequipped with muffling devices. The bill allows the commissioner to waive certain administrative penalties for violations of boating laws and rules. It establishes criminal penalties for certain boating offenses.

The bill permits the commissioner of safety to revoke the privilege to operate or register a boat.

In addition, this bill prohibits any person from securing, in any manner, a vessel to a dock or pier without the consent of the owner or his agent. The bill also establishes penalties for violations of the docking or mooring requirements.

Rep. Stewart spoke in favor.

Adopted.

#### ENROLLED BILLS AMENDMENTS

**SB 83**, relative to the investment of public funds.

##### Amendment

Amend sections 1-7 of the bill by replacing them with the following:

1 Duties of County Treasurer. Amend RSA 29:1 to read as follows:

29:1 Duties. The county treasurer shall have custody of all moneys belonging to the county, and shall pay out the same only upon orders of the commissioners. He shall deposit the same in participation units in the public deposit investment pool estab-

lished pursuant to RSA 383:22 or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The county treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the county treasury, and of all notes given by the county, with the particulars thereof. At the close of each fiscal year, he shall make a report to the county, giving a particular account of all his financial transactions during the year. He shall furnish to the commissioners statements from his books, and submit his books and vouchers to them and to the county auditors for examination, whenever so requested. Whenever the county treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the commissioners, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts. **Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the county. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

2 County Treasurer; Excess Funds. Amend RSA 29:3 to read as follows:

29:3 Excess Funds. Whenever the county treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure he may, with the approval of the county commissioners and county executive committee, invest the same in short-term obligations of the United States or in participation units in the public deposit investment pool established pursuant to RSA 383:22, upon such terms as shall be approved by the county commissioners. **Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the county. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

3 Investment; Capital Reserve Fund for Cities. Amend RSA 34:5 to read as follows:

34:5 Investment. The moneys in such fund shall be kept in a separate account and not intermingled with the other funds of the city. Said capital reserve fund shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company, or in the shares of a cooperative bank, building and

loan association, or federal savings and loan association, in this state or in bonds, notes or other obligations of the United States government, in bonds or notes of this state, or in participation units in the public deposit investment pool established pursuant to RSA 383:22, and when so invested in good faith the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the city, and it shall appear upon the book thereof that the same is a capital reserve fund. **Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the county. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

4 Investment; Capital Reserve Fund; Counties; Towns; Districts. Amend RSA 35:9 to read as follows:

35:9 Investment. The moneys in each such fund shall be kept in a separate account and not intermingled with other funds of said municipality. Said capital reserve fund shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company, or in the shares of a cooperative bank, building and loan association, or federal savings and loan association, in this state, or in bonds, notes or other obligations of the United States government, or in bonds or notes of this state, or in participation units in the public deposit investment pool established pursuant to RSA 383:22. When so invested the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the town, district or county which holds the same as a reserve, and it shall appear upon the books thereof that the same is a capital reserve fund. **Any person who directly or indirectly receives any such capital reserve funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town, school district, village district or county depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

5 Town Treasurer; Duties. Amend RSA 41:29 to read as follows:

41:29 Duties. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission. He shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one



bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the selectmen, invest the same in obligations of the United States government, in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts. **Any person who directly or indirectly receives any such capital reserve funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town, school district, village district or county depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

6 City Treasurer; Duties. Amend RSA 48:16 to read as follows:

48:16 City Treasurer; Duties. The city treasurer shall have custody of all moneys belonging to the city. He shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus, except that a city with a population in excess of 50,000 is authorized to deposit funds in a solvent bank in excess of the paid-up capital surplus of said bank. The city treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the city treasury, and of all notes given by the city, with the particulars thereof. At the close of each fiscal year, he shall make a report to the city giving a particular account of all his financial transactions during the year. He shall furnish to the mayor and council statements from his books, and submit his books and vouchers to them and to the city auditors for examination, whenever so requested. Whenever the city treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the mayor and a majority of the city council, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks

located within this state or the commonwealth of Massachusetts. **Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the city. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

7 School Districts; Treasurer's Duties. Amend RSA 197:23-a to read as follows:

197:23-a Treasurer's Duties. The treasurer shall have custody of all moneys belonging to the district and shall pay out the same only upon orders of the school board or upon orders of the 2 or more members of the school board empowered by the school board as a whole to authorize payments. He shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the district treasury, and of all notes given by the district, with the particulars thereof. At the close of each fiscal year, he shall make a report to the district, giving a particular account of all his financial transactions during the year. He shall furnish to the school board statements from his books, and submit his books and vouchers to them and to the auditors for examination, whenever so requested. Whenever the treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the school board, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts. **Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the city. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.**

Amend the bill by replacing section 9 with the following:

9 Town Treasurer; Duties; Combination of SB 83, SB 102, and HB 633. RSA 41:29 is repealed and reenacted to read as follows:

41:29 Duties.

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conser-

vation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent.

II. He shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus.

III. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested.

IV. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the selectmen, invest the same in obligations of the United States government, in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

V. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

10 City Treasurer; Duties; Combination of SB 83, SB 102, and HB 633. RSA 48:16 is repealed and reenacted to read as follows:

48:16 City Treasurer; Duties.

I. The city treasurer shall have custody of all moneys belonging to the city. He shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus, except that a city with a population in excess of 50,000 is authorized to deposit funds in a solvent bank in excess of the paid-up capital surplus of said bank.



II. The city treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the city treasury, and of all notes given by the city, with the particulars thereof. At the close of each fiscal year, he shall make a report to the city giving a particular account of all his financial transactions during the year. He shall furnish to the mayor and council statements from his books, and submit his books and vouchers to them and to the city auditors for examination, whenever so requested.

III. Whenever the city treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the mayor and a majority of the city council, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

IV. The city treasurer shall pay out fees held pursuant to RSA 673:16, II upon the order of the local land use board or its designated agent.

V. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the district. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

11 Contingency. If HB 633-FN becomes law, sections 9 and 10 of this act shall take effect 60 days after its passage, and sections 5 and 6 of this act shall not take effect. If HB 633-FN does not become law, sections 5 and 6 of this act shall take effect 60 days after its passage, and sections 9 and 10 of this act shall not take effect.

#### 12 Effective Date.

I. Sections 5, 6, 9, and 10 shall take effect as provided in section 11 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**SB 180-FN**, relative to the hearings process on tax abatements for property taxes.

#### Amendment

Amend the bill by inserting after section 4 the following and renumbering the original sections 5 and 6 to read as 9 and 10:

5 Hearing Procedure on Abatement of Taxes. Amend RSA 76:16 to read as follows:

76:16 By Selectmen or Assessors.

I. Selectmen or assessors, for good cause shown, may abate any tax assessed by them or by their predecessors. Any person aggrieved by the assessment of a tax and who has complied with the requirements of RSA 74, may, within [60 days] **2 months** after notice of the tax, and not afterwards, apply in writing to the selectmen or assessors for an abatement of the tax. **"Notice of the tax"** means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and grant or deny the application in writing within 6



months after notice of such tax, and failure to do so shall constitute a denial, except that in the year following a property revaluation, municipalities having 9,000 or more parcels shall have an additional 2 months to respond to appeals. "Notice of such tax" is defined in RSA 76:16-a, I.

6 Information Required in Appeal Following Failure to Abate Taxes. Amend RSA 76:16-a, I to read as follows:

I. After the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$40 filing fee, may, within 8 months after notice of such tax, and not afterwards, apply in writing to the board of tax and land appeals which, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. Property owners who have appealed a tax assessment to the board of tax and land appeals and who receive a tax bill for a subsequent year prior to the time the board of tax and land appeals has acted on the original appeal shall be automatically considered as having appealed the subsequent bill and no further filing fee shall be required. "Notice of such tax" means the date the [department of revenue administration] **board of tax and land appeals** determines to be the last date of mailing of the **final tax [bills] bill** by the taxing district. The person aggrieved shall state in its appeal to the board either the date of the municipality's decision on the RSA 76:16 application, or that 6 months has passed since the notice of the tax and that the municipality failed to issue a decision in accordance with RSA 76:16.

7 Contingency. Sections 5 and 6 of this act shall take effect April 1, 1992, if HB 652-FN becomes law. If HB 652-FN does not become law, sections 5 and 6 shall not take effect.

8 Provisions Contingently Voided. If HB 652-FN becomes law, sections 10 and 11 of HB 652-FN shall not take effect.

Amend the bill by replacing section 10 with the following:

10 Effective Date.

I. Sections 5 and 6 shall take effect as provided in section 7 of this act.

II. The remainder of this act shall take effect upon its passage.

Adopted.

**SB 195-FN**, relative to campaign expenditure limitations.

#### **Amendment**

Amend the bill by replacing section 31 with the following:

31 Filing Primary Petitions. Amend RSA 655:20, II to read as follows:

II. Any person qualified to run for office who does not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b shall, in order to have his name printed on the primary ballot of any party, in addition to the filing fees prescribed in RSA 655:19, file with the appropriate official the requisite number of primary petitions required under RSA 655:22 made by members of the party, together with one written assent to candidacy. **If a person is required to file primary petitions under the provisions of this paragraph, the primary petitions which he files shall contain the following language in bold print at the top of each petition in addition to the language required in RSA 655:21: "This candidate has reserved his or her rights under the federal constitution and New Hampshire laws and may choose not to agree to limit campaign spending according to amounts**

set by state law and as a result may be required to submit these petitions.” Primary petitions filed under this section shall be filed in addition to the requirement for filing petitions under RSA 655:19-c.

32 Provision Voided. 1991, 218:2 shall not take effect.

33 Effective Date.

I. Section 31 of this act shall take effect August 9, 1991.

II. The remainder of this act shall take effect upon its passage.

Adopted.

**SB 206-FN**, relative to liquor licenses for caterers.

#### **Amendment**

Amend RSA 178:20, V(e)(1)(A) as inserted by section 1 of the bill by replacing it with the following:

(1)(A) The commission may issue a cocktail lounge license to any caterer with on-site permanent kitchen facilities and permanent dining facilities capable of seating 100 persons or more. Such license shall allow the licensee to serve liquor and beverages with or without meals to members of a private party in any room of such on-site catering facility designated by the commission. For the purposes of this paragraph, persons under the age of 18 shall be allowed in rooms where beverages and liquor are served without a parent or guardian present. Such lounge license may allow the licensee to serve liquor and beverages on the premises of any public building approved by the commission. Licenses shall be granted only to such caterers as the commission, at its discretion, shall approve and then only to such caterers as shall show the commission on forms and under rules adopted by the commission that at least 50 percent of their combined food and liquor and beverage sales shall fall within the category of food. Caterers with annual food sales of \$100,000 or more shall be exempt from the 50 percent requirement. Caterers shall notify the commission not less than 5 days in advance of a function specifying date and time of the scheduled function. Notwithstanding any other provision of law, a caterer, with the approval of the commission, may subcontract for the cooking, preparing or serving of food pursuant to the caterer's liquor license. The commission shall adopt rules in accordance with RSA 541-A to carry out the provisions of this subparagraph. New premises or locations shall be approved by the commission 10 days before the scheduled events.

Adopted.

**HB 104-FN**, relative to a public water rights report and advisory committee.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to a public water rights report and advisory  
committee and relative to water usage by  
registered hydroelectric facilities.

Adopted.

**HB 142-FN**, relative to school district budgets and to the Tilton and Northfield Union school district.

**Amendment**

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to school district budgets, the Tilton and  
Northfield Union school district and the  
Winnisquam regional school district.

Adopted.

**HB 161-FN**, relative to retirement system benefits and retirement system membership eligibility

**Amendment**

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to retirement system benefits and retirement system  
membership eligibility and making an appropriation from  
the retirement system administrative account.

Adopted.

**HB 210-FN**, creating a committee to study artificial improvements, relative to the department of environmental services revolving fund and abolishing the office of state geologist.

**Amendment**

Amend the title of the bill by replacing it with the following:

AN ACT  
creating a committee to study artificial impoundments  
and relative to the department of environmental  
services revolving fund.

Adopted.

**HB 171-FN**, relative to maintaining the "Old Man of the Mountain" and relative to the Conway village fire district and making an appropriation therefor.

**Amendment**

Amend the bill by inserting after section 4 the following and renumbering section 5 to read as 6:

5 Contingent Renumbering. If SB 182-FN becomes law, RSA 9:4-b as inserted by section 2 of this act shall be renumbered to RSA 9:4-c.

Adopted.

**HB 250-FN**, relative to the board of nursing.

**Amendment**

Amend the bill by inserting after section 9 the following and renumbering the original sections 10-11 to read as 11 and 12, respectively:

10 Unlawful Ads Clarified. RSA 326-B:15, II and III are repealed and reenacted to read as follows:

II. Practice as a registered nurse, practical nurse, or nursing assistant when the license or registration has been revoked or suspended or when the license or registration has lapsed or is inactive.

III. Use, in connection with the licensee's or applicant's name, any designation tending to imply licensure as a registered nurse, practical nurse, or nursing assistant unless so licensed under this chapter, except that retired registered nurses may use the designation "R.N. (ret.)" and retired practical nurses may use the designation "L.P.N. (ret.)." Retired status does not allow the practice of registered or practical nursing as governed by this chapter.

Amend the bill by replacing section 12 with the following:

12 Provision of HB 597 Nullified. 1991, 34:5, relative to unlawful acts, shall not take effect.

13 Effective Date.

I. Section 10 of this act shall take effect January 1, 1992.

II. The remainder of this act shall take effect July 1, 1992.

Adopted.

**HB 325-FN**, relative to reciprocity of dog training and restricting the use of telemetry equipment.

#### **Amendment**

Amend section 2 of the bill by replacing lines 2-3 with the following:

after section 3-d the following new section:

207:3-e Use of Telemetry Equipment Restricted. No person shall use a

Adopted.

**HB 416-FN-A**, relative to drug-free school zones and making appropriations therefor.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to drug-free school zones and making appropriations  
therefor and establishing a committee to study certain  
issues related to drug-free zones.

Adopted.

**HB 451-FN**, relative to the licensing of residential care and health facilities.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the licensing of residential care and health  
facilities and establishing a study committee  
on the Patients' Bill of Rights.

Adopted.

**HB 486-FN**, relative to collection of forfeitures of recognizances by the division of motor vehicles.

#### **Amendment**

Amend the bill by inserting after section 3 the following and renumbering section 4 to read as 5:

4 Contingent Renumbering. If SB 191-FN becomes law, RSA 597:38-a as inserted by section 1 of this act shall be renumbered to RSA 597:38-b, and the references to



RSA 597:38-a in RSA 263:56-d as inserted by section 2 of this act shall be changed to RSA 597:38-b.

Adopted.

**HB 515-FN**, giving legislative approval to the division of water resources, department of environmental services to accept certain dams if repair costs are paid by the current owners.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

giving legislative approval to the land conservation investment  
program to accept certain dams and continually  
appropriating the dam maintenance fund.

Adopted.

#### **RECESS**

#### **SUSPENSION OF RULES**

Rep. Donna Sytek moved that the rules be so far suspended as to permit the House to consider at the present time HB 1-FN-A, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor.

Rep. Donna Sytek spoke in favor.

Adopted by the necessary two-thirds.

**HB 1-FN-A**, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The bill imposes a tax on certain hospital revenue. The money is placed in a restricted fund from which the Commissioner of Health and Human Services is authorized to make distributions back to the hospitals to support services to medicaid and low income patients.

Under current federal regulations such payments qualify for federal matching funds, so that the state will pay the hospitals 53 percent of the amount raised from the tax and this will be matched dollar for dollar by the federal government. The hospitals are thus held harmless, and the remaining tax collected, less one percent for administration, lapses to the general fund. The net amount of unrestricted revenue generated through this arrangement is \$35 M in FY 91, \$41 M in FY 92 and \$41 M in FY 93.

The amendment provides a grace period for payment of the tax, and generally clarifies the language of the bill. Vote 13-3. Rep. Donna P. Sytek for Ways and Means.

#### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

I Statement of Purpose and Findings. The general court determines that gross patient services revenue, as defined in section 2 of this act, is a distinct class of property for the purpose of the special tax imposed by this act, because it provides a fair base for measuring the contribution of eligible health care providers to the special programs authorized by this act. The general court also determines that it is appropriate to authorize and direct the commissioner of health and human services to revise portions of the state medicaid plan to assist eligible health care providers in making

services available to medicaid qualified recipients and to qualify the state for receipt of additional medicaid matching funds from the federal government.

2 New Chapter; Medicaid Enhancement Tax. Amend RSA by inserting after chapter 84 the following new chapter:

#### CHAPTER 84-A MEDICAID ENHANCEMENT TAX

84-A:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of revenue administration.

II. "Gross patient services revenue" means the amounts recorded by the hospital at the hospital's established rates for services provided to patients, regardless of whether full payment of such amounts is expected or paid.

III. "Hospital" means general hospitals and special hospitals for rehabilitation required to be licensed under RSA 151 and receiving medicaid diagnosis related group (DRG) payments, but not including government facilities.

IV. "Medicaid enhancement tax" means the tax imposed upon gross patient services revenue pursuant to this chapter.

V. "Taxable period" means a 12-month period beginning July 1 and ending June 30.

84-A:2 Imposition of Tax. A tax is imposed at the rate of 8 percent upon the gross patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.

84-A:3 Tax Due.

I. For the taxable period ending June 30, 1991, each hospital shall pay 100 percent of its medicaid enhancement tax due and payable for the taxable period on or before June 28, 1991. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before August 31, 1991.

II. For the taxable period beginning July 1, 1991 and ending June 30, 1992, and for every taxable period thereafter, each hospital shall pay 1/4 of its medicaid enhancement tax due and payable for the taxable period on the fifteenth day of the fourth month of the taxable period; 1/4 of the tax due and payable for the taxable period shall be paid on the fifteenth day of the sixth month of the taxable period; 1/4 of the tax due and payable for the taxable period shall be paid on the fifteenth day of the ninth month of the taxable period; and 1/4 of the tax due and payable for the taxable period shall be paid on the fifteenth day of the twelfth month of the taxable period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

III. If the return required by RSA 84-A:4 shows an additional amount of tax to be due, such additional amount is due and payable at the time the return is due.

84-A:4 Returns. Every hospital shall on or before the tenth day of the month following the expiration of the taxable period make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of gross patient services revenue and the tax assessed upon such amount. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury. If such return shows an overpayment of the tax due, the commissioner

shall refund or credit the overpayment to the hospital in accordance with RSA 21-J:28-a.

84-A:5 Method of Payment and Deposit of Tax.

I. The payments required by RSA 84-A:3, I and II shall be made by electronic transfer of moneys to the state treasurer and deposited to the medicaid enhancement fund established by RSA 167:64.

II. The state treasurer is authorized to establish an account or accounts and to take all steps necessary to facilitate the electronic transfer of moneys required in paragraph I. The state treasurer shall provide the commissioner a record of any moneys so transferred and deposited.

84-A:6 Additional Returns. When the commissioner has reason to believe that a hospital has failed to file a return or to include any part of its gross patient services revenue in a filed return, the commissioner may require the hospital to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the hospital of any penalty for failure to make a correct original return or relieve it from liability for interest imposed under RSA 21-J:28 or any other additional charges imposed by the commissioner. This section shall not be construed to modify the statute of limitations provided in RSA 21-J:29.

84-A:7 Extension of Time for Returns. For good cause, the commissioner may extend the time within which a hospital is required to file a return, and if such return is filed during the period of extension no penalty or late filing charge may be imposed for failure to file the return at the time required by this chapter, but the hospital shall be liable for interest and late payment charges as prescribed in RSA 21-J:28 or 33. Failure to file the return during the period of the extension shall void the extension.

84-A:8 Taxpayer Records. Every hospital shall:

I. Keep such records as may be necessary to determine the amount of its liability under this chapter.

II. Preserve such records for the period of 3 years or until any litigation or prosecution hereunder is finally determined.

III. Make such records available for inspection by the commissioner or his authorized agents, upon demand, at reasonable times during regular business hours.

IV. Whoever violates the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

84-A:9 Administration.

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The administration of the medicaid enhancement tax; and

(b) The recovery of any tax, interest on tax, or penalties imposed by this chapter or by RSA 21-J.

II. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax or penalties imposed by this chapter or by RSA 21-J.

III. In the collection of any overdue tax, penalties or interest imposed by this chapter or RSA 21-J, the commissioner may use all of the powers granted to tax collectors under RSA 21-J and RSA 80 for the collection of taxes.

84-A:10 Confidentiality of Records. Notwithstanding the provisions of RSA 21-J:14, the commissioner shall not be prohibited from providing tax information to the

commissioner of health and human services with respect to the tax imposed by this chapter, provided that the commissioner of health and human services and his agents and employees shall be subject to the provisions of RSA 21-J:14 with respect to any tax information provided by the commissioner.

84-A:11 Protection of Tax Exemption. Nothing in this chapter shall be construed to limit or impair the availability of tax exemptions currently provided under RSA 72:23.

84-A:12 Automatic Recission Provision. In the event that federal matching funds for the payments authorized under RSA 167:64, I are no longer available to the state, the tax imposed by RSA 84-A shall be rescinded at the end of the taxable period in which an amount equal to all payments made under RSA 167:64, I are recovered.

3 Application of Penalty for Failure to File Return. Amend RSA 21-J:31 to read as follows:

21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or \$10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-A:9, RSA 77-E:10, [or] RSA 83-C:6, **or RSA 84-A:8**, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.

4 Application of Substantial Underpayment Penalty. Amend RSA 21-J:33-a, I to read as follows:

I. If there is a substantial understatement of tax imposed under RSA 77, RSA 77-A, RSA 78-A, RSA 78-C, RSA 82-A, [or] RSA 83-C, **or RSA 84-A** for any taxable period, there shall be added to the tax an amount equal to 25 percent of the amount of any underpayment attributable to such understatement.

5 New Subdivision: Medicaid Enhancement Fund. Amend RSA 167 by inserting after section 62 the following new subdivision:

Medicaid Enhancement Fund

167:63 Definitions. As used in this subdivision:

I. "Commissioner" means the commissioner of health and human services.

II. "Department" means New Hampshire department of health and human services.

III. "Disproportionate Share Allocations" means payments made to hospitals as defined in the Omnibus Reconciliation Act of 1990, Pub. L. No. 101-508, section 4703, as amended, and the New Hampshire state medicaid plan.

IV. "Hospital" means general hospitals and special hospitals for rehabilitation required to be licensed under RSA 151 and receiving medicaid diagnosis related group (DRG) payments, but not including government facilities.

V. "Medicaid" means the New Hampshire medicaid assistance program as described in RSA 161 and RSA 167, and in Title XIX of the Social Security Act as amended.

167:64 Medicaid Enhancement Fund.

I. There is hereby established in the state treasury a medicaid enhancement fund which shall consist of the moneys collected pursuant to RSA 84-A. Investment earn-



ings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner is authorized to expend these funds, together with matching federal funds, as follows:

(a) No less than 50 percent of the moneys paid into the fund shall be utilized to pay Disproportionate Share Allocations to the hospitals in accordance with rules adopted by the commissioner, pursuant to RSA 541-A.

(b) No less than 3 percent of the moneys paid into the fund shall be utilized to pay enhanced disproportionate share medicaid payments to hospitals, based on each hospital's pro rata share of medicaid utilization in accordance with rules adopted by the commissioner pursuant to RSA 541-A, and shall be used by the hospitals to support services to medicaid and other low income patients.

(c) One percent of the moneys paid into the fund shall be placed in a separate PAU reserved for the expenses of the department in administering this subdivision.

II. Moneys in the medicaid enhancement fund shall be continually appropriated to the department for the purposes of this subdivision.

III. The balance of the moneys remaining in the fund at the end of each fiscal year shall lapse into the general fund.

167:65 Duties of Commissioner. The commissioner shall:

I. Develop a medicaid enhancement reimbursement system consistent with the requirements of Title XIX of the Social Security Act as amended.

II. Ensure payments to hospitals without disruption to hospital finances.

III. Ensure that each hospital receives no less than 100 percent of the tax imposed by RSA 84-A.

IV. Adopt rules pursuant to RSA 541-A to implement this system.

6 Emergency Rulemaking Authorized. Notwithstanding RSA 541-A, the commissioner of revenue administration, the commissioner of health and human services, and the state treasurer shall adopt emergency rules under RSA 541-A:3-g implementing the provisions of sections 1-5 of this act relating to the administration and collection of the medicaid enhancement tax and the protection and distribution of the medicaid enhancement fund as soon as possible.

7 Appropriation. The sums of \$2,000 for the fiscal year ending June 30, 1991, and \$2,000 for the fiscal year ending June 30, 1992, are hereby appropriated to the department of revenue administration for the purpose of administering the tax imposed in section 2 of this act. These sums shall be in addition to any other funds appropriated to the department of revenue administration and said sums shall not lapse, but whenever the amount available exceeds \$2,000, the excess shall be paid over to the state treasurer. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a medicaid enhancement fund. A medicaid enhancement tax is imposed at the rate of 8 percent upon the gross patient services revenue of every hospital for the hospital's fiscal year ending during the preceding calendar year. The first taxable period ends June 30, 1991, and the first payment of the tax is due and payable on or before June 28, 1991. Moneys paid into the fund from the tax are expended as follows:

(a) No less than 50 percent of the moneys paid into the fund shall be used to pay Disproportionate Share Allocations to the hospitals.

(b) No less than 3 percent of the moneys paid into the funds shall be utilized to pay enhanced disproportionate share medicaid payments to hospitals, based upon each hospital's pro rata share of medicaid utilizations and shall be used by the hospitals to support services to medicaid and other low income patients.

(c) One percent of the moneys paid into the fund shall be placed in a separate PAU reserved for the expenses of the health and human services department in administering the medicaid enhancement program.

The bill also makes appropriations to the department of revenue administration for fiscal years 1992 and 1993 for the administration of the new tax.

Adopted.

Reps. Douglas Hall and Hayes spoke in favor and yielded to questions.

Rep. Donna Sytek spoke in favor.

Roll call request sufficiently seconded.

The question being on the committee report.

### YEAS 281

Bartlett, Gordon E.  
Hawkins, Robert S.  
Joscelyn, William W.  
Rosen, Ralph J.  
Vogler, Charles C.

Cain, Thomas G.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Salatiello, Thomas B.  
Ziegra, Alice S.

### YEAS 281 BELKNAP

### NAYS 37

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

### CARROLL

Allard, Nanci A.  
Dickinson, Howard C.  
Saunders, Howard N.

Beach, Mildred A.  
Foster, Robert W.  
Wiggin, Allen R.

Bradley, Jeb E.  
Jean, Robert R.  
Wiggin, Gordon E.

### CHESHIRE

Burnham, Daniel M.  
Crutchley, Donald O.  
Grodin, Richard A.  
Kennison, Wayne A.  
Metzger, Katherine H.  
Pratt, Irene A.

Champagne, Richard L.  
Feuer, Joseph N.  
Hogan, James B.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Cole, Stacey W.  
Foster, Katherine D.  
Hunt, John B.  
Laurent, John J.  
Perry, David M.  
Spear, Susan S.

### COOS

Brungot, Catherine V.  
Guay, Lawrence J.  
Marsh, Beaton  
Nelson, Harold D.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Pratt, Leighton C.

### GRAFTON

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
Markley, J. Keith

Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Wadsworth, Karen O.  
White, Paul R.

Nordgren, Sharon L.  
Teschner, Douglass P.  
Ward, Kathleen W.

Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

### HILLSBOROUGH

Ackerman, Philip M.  
Andrews, Frederick B.  
Baldizar, Barbara J.  
Chasse, Richard D.  
Daigle, Robert A.  
Dodge, Emma M.  
Drolet, Paul L.  
Fenton, James J.  
Ford, Nancy M.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Jean, Romeo W.  
Kelley, Robert N.  
Lawrence, Norman B.  
Lozeau, Donnalee M.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Pignatelli, Debora B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Tate, Joan C.  
Wheeler, David K.

Ahrens, Frederick G.  
Arnold, Barbara E.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Ferguson, Charles  
Gage, Ruth E.  
Green, Scott E.  
Haettenschwiller, Alphonse  
Holden, Carol H.  
Johnson, Lionel W.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
Martin, Mary Ellen  
McNerney, Daniel P.  
Messier, Irene M.  
Ouellette, Robert O.  
Pepino, Leo P.  
Record, Alice B.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Upton, Barbara A.  
Wheeler, Robert L.

Alukonis, David J.  
Baker, George H., Sr.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Kelley, Dana F.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Peters, Stanley W.  
Rheault, Lillian I.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Vanderlosk, Stanley R.

### MERRIMACK

Barberia, Richard A.  
Dunn, Miriam D.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Jacobson, Alf E.  
Letourneau, George E.  
Millard, Elizabeth S.  
Smith, Gerald R.  
Teague, Bert  
Whittemore, James A.

Boucher, Laurent J.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William  
Lewis, Mary Ann  
Molner, Mary E.  
Stapleton, Henry F.  
Trombly, Rick A.  
Yeaton, Charles B.

Daneault, Gabriel J.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Kidder, William F.  
Lockwood, Robert A.  
Nichols, Avis B.  
Stio, Peter M.  
Wallner, Mary Jane

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Clark, Martha Fuller  
Conroy, Janet M.  
Dowd, Sandra K.  
Dube, LeRoy S.

Benton, Richardson D.  
Caswell, Albert, Jr.  
Coffey, John J.  
Cote, Patricia L.  
Dowling, Patricia A.  
Flanagan, Natalie S.

Boucher, William P.  
Christie, Andrew, Jr.  
Connell, David R.  
DiPietro, Carmela M.  
Drake, Herbert R.  
Flanders, Harry E.

Flanders, John W., Sr.  
Greene, Elizabeth A.  
Hoelzel, Kathleen M.  
Hynes, Carolyn E.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
Magoon, Harold F.  
McGovern, Cynthia A.  
Raynowska, Bernard J.  
Rubin, George R.  
Senter, Marilyn P.  
Smith, Arthur W.  
Sytek, John J.  
Tufts, Arthur  
Welch, David A.

Ford, Bert H.  
Haynes, Richard  
Hurst, Sharleene P.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Rosencrantz, James R.  
Schanda, Joseph, Sr.  
Seward, Russell G.  
Syracusa, Anthony  
Terninko, Margaret B.  
Vaughn, Charles L.  
Weyler, Kenneth L.

Gage, Beverly A.  
Hoar, John, Jr.  
Hutchinson, Karen K.  
Kane, Cecelia D.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
McCain, William F.  
Palazzo, Frank J.  
Roulston, Donald L.  
Schmidtchen, Rowland H.  
Skinner, Patricia M.  
Sytek, Donna P.  
Thayer, Leroy C.  
Warburton, Calvin  
Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Foss, Patricia H.  
Jankowski, Peter M.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Spencer, Leo J.  
Tsiros, William  
Young, John B.

Bernard, Mary E.  
Douglass, Clyde J.  
Frechette, Roland A.  
Kinney, Paula J.  
Musler, George T.  
Parks, Joe B.  
Sullivan, Henry P.  
Wall, Janet G.

Bickford, Drucilla  
Flynn, Edward J.  
Hashem, Elaine M.  
Marston, Robert E.  
Nehring, William H.  
Pelley, Janet R.  
Torr, Ann M.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Domini, Irene C.  
Lindblade, Eric N.  
Rodeschin, Beverly T.

Behrens, Thomas A.  
Flint, Gordon B.  
Peyron, Fredrik  
Schotanus, Merle W.

Burling, Peter Hoe  
Krueger, Richard H.  
Porter, Robert H.  
Stamatakis, Carol M.

### NAYS 37

### BELKNAP

None

### CARROLL

Daly, Robert J., Jr.

### CHESHIRE

Riley, William A.

### COOS

Theriault, Romeo J.

### GRAFTON

Dow, David

### HILLSBOROUGH

Bourque, Ann J.  
Crotty, Edward J.  
Dwyer, Patricia R.  
Gosselin, Gerald O.

Buckley, Raymond  
Desrochers, Gerard T.  
Elliott, Larry G.  
Hall, Betty B.

Cote, David E.  
Drabinowicz, A. Theresa  
Gagnon, Gabrielle V.  
Janas, Gregory



Keane, Cornelius J.  
Larochele, Roger B.  
Riley, Frances L.  
Turgeon, Roland M.

King, Frank P.  
O'Rourke, Joanne A.  
Soucy, Donna M.  
White, John M.

Kurk, Neal M.  
Reidy, Frank J.  
Stiles, Walter A.  
Wright, George W.

#### **MERRIMACK**

Jelley, Francis D.

Soldati, Jennifer G.

#### **ROCKINGHAM**

Bell, Juanita L.

Pantelakos, Laura C.

#### **STRAFFORD**

Hambrick, Patricia A.  
Messier, Donald R.

Kincaid, William K.  
O'Brien, John

McCann, William H., Jr.

#### **SULLIVAN**

None

and the bill was ordered to third reading.

Rep. Thomas Christie informed the Clerk that he did not vote and meant to vote yea.

Reps. Carter and Michael Hill abstained from voting under Rule 16.

#### **RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

#### **LATE SESSION**

##### **Third reading and final passage**

**SB 151-FN**, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks.

**HB 1-FN-A**, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor.

**HB 517-FN**, relative to watercraft safety and moorings.

#### **COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL**

**HB 509**, clarifying the definition of public benefit relative to permitting solid waste facilities. (Report printed SJ 32, 6/20/91)

Rep. Scanlan spoke in favor.

Report adopted.

#### **RECESS**

#### **SUSPENSION OF RULES**

Reps. Gross and Chambers moved that the rules be so far suspended as to permit the House to consider HB 35, making appropriations for capital improvements, which contains a non-germane amendment. (Section 1 VI)

Reps. Gross and Chambers spoke in favor.

Adopted by the necessary two-thirds.

**COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL**

**HB 35-A**, making appropriations for capital improvements. (Report printed SJ 32, 6/20/91)

Rep. Marsh spoke in favor and yielded to questions.

Rep. LaMott yielded to questions.

Reps. Martha Fuller Clark, Malcolm, William Boucher, Rosen, Calawa and McNerney spoke against.

Rep. Chambers spoke in favor.

Rep. Holbrook spoke against.

Rep. Gross spoke in favor.

Rep. McRae spoke against.

A quorum count was requested.

The Speaker declared a quorum present.

Rep. LaMott spoke in favor.

Roll call request sufficiently seconded.

The question being the adoption of the conference report.

**YEAS 165****NAYS 122****YEAS 165****BELKNAP**

Bartlett, Gordon E.

Johnson, Carl R.

Turner, Robert H.

**CARROLL**

Allard, Nanci A.

Beach, Mildred A.

Dickinson, Howard C.

Foster, Robert W.

Saunders, Howard N.

**CHESHIRE**

Champagne, Richard L.

Cole, Stacey W.

Crutchley, Donald O.

Feuer, Joseph N.

Grodin, Richard A.

Hogan, James B.

Hunt, John B.

Kennison, Wayne A.

Kingsbury, H. Thayer

Perry, David M.

Spear, Susan S.

**COOS**

Brungot, Catherine V.

Horton, Lynn C.

Kilbride, Dennis J.

Marsh, Beaton

Mayhew, Josephine

Merrill, Gerald P.

Nelson, Harold D.

Oliver, Terry D.

Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.

Bean, Pamela B.

Brown, Channing T.

Brown, Patricia B.

Chambers, Mary P.

Christy, C. Dana

Driscoll, William J.

Hill, Richard L.

LaMott, Paul I.

Lougee, Richard W.

Nielsen, Niels F., Jr.

Scanlan, David M.

Teschner, Douglass P.

Trelfa, Richard T.

Wadsworth, Karen O.

Ward, Kathleen W.

Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Ackerman, Philip M.

Ahrens, Frederick G.

Alukonis, David J.

Andrews, Frederick B.

Arnold, Barbara E.

Baker, George H., Sr.

Bowers, Dorothy C.

Cote, David E.

Cowenhoven, Garret P.

Daigle, Robert A.

Desrosiers, William J.

Dodge, Emma M.

Drolet, Paul L.

Durham, Susan B.

Dwyer, Patricia R.

Dyer, Merton S.

Goulet, Maurice E.

Green, Scott E.

Greenglass, Alan B.

Gureckis, Adam C., Sr.

Haettenschwiller, Alphonse

Holden, Carol H.  
 Kurk, Neal M.  
 Mason, Howard F.  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Rheault, Lillian I.  
 Smith, Leonard A.

Keane, Cornelius J.  
 Lawrence, Eva M.  
 McCann, Bonnie Lou  
 Moore, Elizabeth A.  
 Packard, Bonnie B.  
 Robinson, Ellen-Ann  
 Soucy, Donna M.

Kelley, Robert N.  
 Lown, Elizabeth D.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Record, Alice B.  
 Searles, Stanley N., Sr.  
 Wheeler, Robert L.

### MERRIMACK

Boucher, Laurent J.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lockwood, Robert A.  
 Soldati, Jennifer G.  
 Teague, Bert

Carter, Susan D.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Nichols, Avis B.  
 Stapleton, Henry F.

Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Kidder, William F.  
 Smith, Gerald R.  
 Stio, Peter M.

### ROCKINGHAM

Benton, Richardson D.  
 Coffey, John J.  
 DiPietro, Carmela M.  
 Flanagan, Natalie S.  
 Greene, Elizabeth A.  
 Johnson, Robert A.  
 MacDonald, Joseph A.  
 McCain, William F.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Thayer, Leroy C.  
 Woods, Deborah L.

Campbell, Marilyn R.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanders, Harry E.  
 Haynes, Richard  
 Katsakiores, George N.  
 Magoon, Harold F.  
 McGovern, Cynthia A.  
 Senter, Marilyn P.  
 Sytek, Donna P.  
 Vaughn, Charles L.

Christie, Andrew, Jr.  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Flanders, John W., Sr.  
 Hurst, Sharleene P.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 Roulston, Donald L.  
 Seward, Russell G.  
 Sytek, John J.  
 Warburton, Calvin

### STRAFFORD

Appleby, James E.  
 Foss, Patricia H.  
 Kincaid, William K.  
 Nehring, William H.  
 Torr, Ann M.  
 Wheeler, Katherine W.

Bickford, Drucilla  
 Frechette, Roland A.  
 Kinney, Paula J.  
 Parks, Joe B.  
 Tsiros, William

Douglass, Clyde J.  
 Hambrick, Patricia A.  
 Merrill, Amanda A.  
 Spencer, Leo J.  
 Wall, Janet G.

### SULLIVAN

Behrens, Thomas A.  
 Krueger, Richard H.  
 Rodeschin, Beverly T.

Burling, Peter Hoe  
 Lindblade, Eric N.  
 Schotanus, Merle W.

Flint, Gordon B.  
 Peyron, Fredrik  
 Stamatakis, Carol M.

### NAYS 122

### BELKNAP

Cain, Thomas G.  
 Holbrook, Robert G.  
 Rice, Thomas E. P., Jr.  
 Shibley, Arnold P.

Campbell, Richard H., Jr.  
 Joscelyn, William W.  
 Rosen, Ralph J.  
 Ziegler, Alice S.

Hawkins, Robert S.  
 Maviglio, Steven R.  
 Salatiello, Thomas B.

**CARROLL**

Bradley, Jeb E.  
Wiggin, Gordon E.

Daly, Robert J., Jr.

Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.  
Laurent, John J.  
Pratt, Irene A.

Cole, Kenneth A.  
Metzger, Katherine H.  
Riley, William A.

Foster, Katherine D.  
Pearson, Gertrude B.

**COOS**

Buckley, C. Fitzgerald

Coulombe, Henry W.

Theriault, Romeo J.

**GRAFTON**

Copenhaver, Marion L.  
Nordgren, Sharon L.

Dow, David  
Stewart, Roger D.

Larson, Nils H., Jr.  
White, Paul R.

**HILLSBOROUGH**

Baldizar, Barbara J.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Donovan, Francis X.  
Fenton, James J.  
Gagnon, Eugene L.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Lefebvre, Roland J.  
McNerney, Daniel P.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Sallada, Roland A.  
Turgeon, Roland M.  
Wheeler, David K.

Bourque, Ann J.  
Chasse, Richard D.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gagnon, Gabrielle V.  
Healy, Walter F.  
Johnson, Lionel W.  
Lozeau, Donnalee M.  
McRae, Karen K.  
Pepino, Leo P.  
Riley, Frances L.  
Stiles, Walter A.  
Upton, Barbara A.  
White, John M.

Buckley, Raymond  
Crotty, Edward J.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Gage, Ruth E.  
Hall, Betty B.  
Janas, Gregory  
Lawrence, Norman B.  
Martin, Mary Ellen  
Ouellette, Robert O.  
Peters, Stanley W.  
Rothhaus, Finlay C.  
Tate, Joan C.  
Vanderlosk, Stanley R.  
Wright, George W.

**MERRIMACK**

Barberia, Richard A.  
Jelley, Francis D.  
Lewis, Mary Ann  
Whittemore, James A.

Daneault, Gabriel J.  
Johnson, Joyce M.  
Millard, Elizabeth S.  
Yeaton, Charles B.

Dunn, Miriam D.  
Letourneau, George E.  
Molner, Mary E.

**ROCKINGHAM**

Barnes, John S., Jr.  
Caswell, Albert, Jr.  
Dowling, Patricia A.  
Gage, Beverly A.  
Hutchinson, Karen K.  
Lovejoy, Virginia K.  
Raynowska, Bernard J.  
Smith, Arthur W.

Bell, Juanita L.  
Clark, Martha Fuller  
Dube, LeRoy S.  
Hoar, John, Jr.  
Kane, Cecelia D.  
McKinney, Betsy  
Rosencrantz, James R.  
Terninko, Margaret B.

Boucher, William P.  
Connell, David R.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
Klemarczyk, Thaddeus E.  
Palazzo, Frank J.  
Rubin, George R.  
Welch, David A.

**STRAFFORD**

Corte, Arthur B.  
Jankowski, Peter M.  
Sullivan, Henry P.

Gilmore, Gary R.  
Marston, Robert E.

Hashem, Elaine M.  
McCann, William H., Jr.



**SULLIVAN**

Allison, David C.

Domini, Irene C.

Porter, Robert H.

and the Conference report was adopted.

Rep. Kane informed the Clerk that she voted nay and meant to vote yea.

**SENATE MESSAGES  
CONCURRENCE****HB 1-FN-A**, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor.**HB 41**, relative to setting the moose season and reducing collisions between moose and motor vehicles.**CONCURRENCE WITH AMENDMENT****HB 517-FN**, relative to watercraft safety and moorings.**ENROLLED BILL REPORT****HB 1-FN-A**, relative to medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor.Rep. Marsh, Sen. Currier  
for the Committee

Rep. Michael Hill moved that the House adopt the Enrolled Bill Amendments currently in the possession of the Clerk.

Adopted.

**ENROLLED BILL AMENDMENTS****HB 532-FN**, relative to the color of ballots used in municipal elections and relative to the time for holding town and district business meetings and elections.**Amendment**

Amend the bill by replacing section 5 with the following:

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual [or biennial] meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. Upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31, except that the session 3 weeks before the meeting shall not be required. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. **In no event shall a special town meeting be held on the biennial election day.**

**HB 560-FN**, relative to bacteriological standards and reclassifying certain waters and relative to the sale of certain batteries.

**Amendment**

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to bacteriological standards and reclassifying  
certain waters and establishing a study committee  
to examine the issue of recreational mining  
in the state's rivers.

Amend section 6 of the bill by replacing line 2 with the following:  
reclassifications contained in section 7 of this act are being adopted in

Amend section 8 of the bill by replacing line 1 with the following:

8 Recreational Mining. Paragraph III of section 9 of HB 443-FN-A of

Amend section 10 of the bill by replacing line 5 with the following:  
9 of HB 443-FN-A. If HB 443-FN-A does not become law, section 8 of this

**HB 576-FN**, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers.

**Amendment**

Amend section 7 of the bill by replacing lines 2-3 with the following:  
inserting after section 82 the following new section:

402:83 Applicability of Federal Law. No provisions of this title

**HB 581**, relative to personal property of tenants.

**Amendment**

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to enforcement of default judgments against tenants  
and relative to personal property of tenants.

**HB 595-FN**, relative to citations for building code and land use violations.

**Amendment**

Amend the bill by inserting after section 2 the following and renumbering section 3 to read as 4:

3 Contingency. If HB 523-FN of the 1991 legislative session becomes law, RSA 676:17-a as inserted by section 2 of this act shall be renumbered to read as RSA 676:17-b and the reference to RSA 676:17-a in RSA 502-A:11-a, III as inserted by section 1 of this act shall be changed to RSA 676:17-b.

**HB 603-FN**, to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts and establishing a commission to study and recommend elimination of state-minded programs.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

to establish a mandates task force to recommend modification  
or repeal of those unfunded mandates imposed upon  
municipalities and school districts.

**HB 607**, permitting actions for damages resulting from violations of workers compensation laws by bidders on construction contracts and relative to tort immunity for self-insured pools.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

permitting actions for damages resulting from violations of workers  
compensation laws by bidders on construction contracts, relative  
to tort immunity for self-insured pools and increasing the  
size of the compensation appeals board.

**HB 633-FN**, to clarify the handling of administrative fees required by local land use boards, relative to elected planning board members, and relative to the definition of "mayor" for planning and zoning purposes.

**Amendment**

Amend the bill by replacing section 1 and 2 with the following:

1 Fees Received from Local Land Use Board. Amend RSA 41:29 to read as follows:

41:29 Duties.

**I.** The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, **or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent.**

**II.** He shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus.

**III.** The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested.

**IV.** Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of

the selectmen, invest the same in obligations of the United States government, in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

2 Fees Received from Local Land Use Board. Amend RSA 48:16 to read as follows:

48:16 City Treasurer; Duties.

I. The city treasurer shall have custody of all moneys belonging to the city. He shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus, except that a city with a population in excess of 50,000 is authorized to deposit funds in a solvent bank in excess of the paid-up capital surplus of said bank.

II. The city treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the city treasury, and of all notes given by the city, with the particulars thereof. At the close of each fiscal year, he shall make a report to the city giving a particular account of all his financial transactions during the year. He shall furnish to the mayor and council statements from his books, and submit his books and vouchers to them and to the city auditors for examination, whenever so requested.

III. Whenever the city treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the mayor and a majority of the city council, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

**IV. The city treasurer shall pay out fees held pursuant to RSA 673:16, II upon the order of the local land use board or its designated agent.**

Amend the bill by replacing section 6 with the following:

6 Town Treasurer; Duties; Combination of SB 83, SB 102, and HB 633. RSA 41:29 is repealed and reenacted to read as follows:

41:29 Duties.

1. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent.



II. He shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus.

III. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested.

IV. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the selectmen, invest the same in obligations of the United States government, in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

V. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

7 City Treasurer; Duties; Combination of SB 83, SB 102, and HB 633. RSA 48:16 is repealed and reenacted to read as follows:

48:16 City Treasurer; Duties.

I. The city treasurer shall have custody of all moneys belonging to the city. He shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus, except that a city with a population in excess of 50,000 is authorized to deposit funds in a solvent bank in excess of the paid-up capital surplus of said bank.

II. The city treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the city treasury, and of all notes given by the city, with the particulars thereof. At the close of each fiscal year,

he shall make a report to the city giving a particular account of all his financial transactions during the year. He shall furnish to the mayor and council statements from his books, and submit his books and vouchers to them and to the city auditors for examination, whenever so requested.

III. Whenever the city treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the mayor and a majority of the city council, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts.

IV. The city treasurer shall pay out fees held pursuant to RSA 673:16, II upon the order of the local land use board or its designated agent.

V. Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the city. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

8 Contingency. If SB 83 becomes law, sections 6 and 7 of this act shall take effect 60 days after its passage, and sections 1 and 2 of this act shall not take effect. If SB 83 does not become law, sections 1 and 2 of this act shall take effect 60 days after its passage, and sections 6 and 7 of this act shall not take effect.

9 Effective Date.

I. Section 1, 2, 6, and 7 shall take effect as provided in section 8 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

**HB 709-FN**, establishing a study committee relative to clearcutting forest resources and extending the effective date for rulemaking by the board of licensing for foresters.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a study committee relative to clearcutting forest  
resources, extending the effective date for rulemaking  
by the board of licensing for foresters, and  
relative to notices of intent to cut.

**HB 745-FN**, relative to sewage disposal systems.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to sewage disposal systems and continually  
appropriating the sewage disposal system fund.

**HB 780-FN**, relative to water treatment plant operators and fees for water system permits.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to water treatment plant operators and fees for  
water system permits and continually appropriating  
a special fund to the division of water  
supply and pollution control.

**HB 784-FN**, creating a long-range construction program for New Hampshire's highways and highway bridges.

**Amendment**

Amend section 2 of the bill by replacing line 10 with the following:

factors and by compiling past, current and future traffic statistics on each state

Rep. Michael Hill moved that the House stand in recess for the purpose of Enrolled Bill Reports only.

Adopted.

The House recessed at 5:20 p.m.

**RECESS**

**(Rep. Haettenschwiler in the Chair)**

**ENROLLED BILL AMENDMENT**

**SB 42-FN**, relative to the board of podiatry, the board of registration in medicine, emergency medical technicians, and the possession of non-controlled prescription drugs for emergency use.

**Amendment**

Amend the bill by deleting section 14 and renumbering sections 15-21 to read as 14-20, respectively.

Adopted.

**ENROLLED BILLS REPORT**

**HB 104-FN**, relative to a public water rights report and advisory committee and relative to water usage by registered hydroelectric facilities.

**HB 142-FN**, relative to school district budgets, the Tilton and Northfield Union school district and the Winnisquam regional school district.

**HB 161-FN**, relative to retirement system benefits and retirement system membership eligibility and making an appropriation from the retirement system administrative account.

**HB 171-FN**, relative to maintaining the "Old Man of the Mountain" and relative to the Conway village fire district and making an appropriation therefor.

**HB 210-FN**, creating a committee to study artificial impoundments and relative to the department of environmental services revolving fund.

**HB 325-FN**, relative to reciprocity of dog training and restricting the use of telemetry equipment.

**HB 416-FN-A**, relative to drug-free school zones and making appropriations therefor and establishing a committee to study certain issues relative to drug-free zones.

**HB 451-FN**, relative to licensing of residential care and health facilities and establishing a study committee on the Patients' Bill of Rights.

**HB 486-FN**, relative to collection of forfeitures of recognizances by the division of motor vehicles.

**HB 515-FN**, giving legislative approval to the land conservation investment program to accept certain dams and continually appropriating the dam maintenance fund.

**SB 151**, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks.

**HB 41**, relative to setting the moose season and reducing collisions between moose and motor vehicles.

**HB 250-FN**, relative to the board of nursing.

**HB 509**, clarifying the definition of public benefit relative to permitting solid waste facilities.

**HB 517-FN**, relative to watercraft safety and moorings.

**HB 532**, relative to the color of ballots used in municipal elections and relative to the time for holding town and district business meetings and elections.

**HB 560-FN**, relative to bacteriological standards and reclassifying certain waters and establishing a study committee to examine the issue of recreational mining in the state's rivers.

**HB 576-FN**, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers.

**HB 581**, relative to enforcement of default judgments against tenants and relative to personal property of tenants.

**HB 595-FN**, relative to citations for building code and land use violations.

**HB 603-FN**, to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts.

**HB 607**, permitting actions for damages resulting from violations of workers' compensation laws by bidders on construction contracts, relative to tort immunity for self-insured pools and increasing the size of the compensation appeals board.

**HB 633-FN**, to clarify the handling of administrative fees required by local land use boards, relative to elected planning board members, and relative to the definition of "mayor" for planning and zoning purposes.

**HB 709-FN**, establishing a study committee relative to clearcutting forest resources, extending the effective date for rulemaking by the board of licensing for foresters, and relative to notices of intent to cut.

**HB 745-FN**, relative to sewage disposal systems and continually appropriating the sewage disposal system fund.

**HB 780-FN**, relative to the water treatment plant operators and fees for water system permits and continually appropriating a special fund to the division of water supply and pollution control.

**HB 784-FN**, creating a long-range construction program for New Hampshire's highways and highway bridges.

**SB 42**, relative to the board of podiatry, the board of registration in medicine, emergency medical technicians, and the possession of non-controlled prescription drugs for emergency use.

**SB 83**, relative to the investment of public funds.

**SB 97**, relative to administrative rules and state mandates.

**SB 180-FN**, relative to the hearings process on tax abatements for property taxes.



**SB 195-FN**, relative to campaign expenditure limitations.

**SB 206-FN**, relative to liquor licenses for caterers.

Reps. Marsh and Dunn,

Sen. Currier for the Committee

### CONFEREE CHANGES

**HB 25-FN-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993. Rep. Schotanus replaces Rep. Chambers. Rep. Burns replaces Rep. Hager.

**HB 64-FN-A**, relative to the business profits tax, the real estate transfer tax, the communication services tax, relative to establishing a tax on nuclear station property and making an appropriation therefore, and appropriating funds for a tax expenditure report. Reps. Cowenhoven and Gureckis replace Reps. Ahrens and LaMar.

**HB 65-FN-A**, relative to state fees, funds revenues and expenditures. Rep. Schotanus replaces Rep. Chambers.

**HB 322**, relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes. Rep. Gureckis replaces Rep. LaMar.

**HB 669-FN**, relative to the borrowing authority of the state treasurer and relative to the industrial development authority and the housing finance authority. Rep. Schotanus replaces Rep. Chambers.

### RECESS

Rep. Michael Hill moved that the House adjourn.  
Adopted.

**HOUSE JOURNAL No. 31**

Thursday, June 27, 1991

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairsto.

Eternal God, who alone is perfect, help us, we pray, in our imperfection. Help us to be thankful for one another, for the friendships made, the lessons learned, and the challenges met these past few months. Help us to be thankful for those among us who have labored long days and long nights to prepare a budget which, as imperfect as it may be, is set before us to chart the course ahead. Help us in our prayers to remember our colleagues who this day are ill. Guide us now, we pray, in all that we say and in all that we do, that we may ever seek to do your holy will. Amen.

Rep. David Young led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Golden, Feuerstein, Splaine, McCarthy, Anderson, Martling and William McCain, the day, illness.

Reps. McIlwaine, Ziegler, Goulet, Markley, Stewart, Daniel Healy, John Chandler, David Flanders, LaMar, Fair, Porter, Bell, McRae, Richard Hill, Tsiros, Amidon, Asplund, Keith and Daniels, the day, important business.

Rep. Saunders, the day, death in the family.

Rep. Wells, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Reuben Teague, grandson of Rep. Teague. Manchester Mayor Raymond Wiczorek, guest of the Manchester Delegation. Adam and Ben Pignatelli, sons of Rep. Pignatelli. Greta Whittemore, wife of Rep. Whittemore.

**HOUSE RESOLUTION NO. 28**

saluting the women and men of Graphic Services

WHEREAS, the New Hampshire House of Representatives, throughout the course of its yearly legislative deliberations, does require ready and easy access to a mountain of documents bearing the printed word, and

WHEREAS, that prodigious number of printed documents takes the recognizable form of House Bills, Budgets, Committee of Conference Reports, Calendars, Journals, and such other typescripts as may be needed to efficiently conduct business, and

WHEREAS, each legislative year, the four hundred honorable members of this august body do rely on the skills and knowledge of the women and men of Graphic Services who, with great consistency, do demonstrate their positive attitudes, their commitment to getting the job done, and their willingness to serve above and beyond the call of duty at Bill-Introduction time, at Crossover time and at Committee-of-Conference time, and

WHEREAS, the men and women of Graphic Services have never failed to come through when meeting the demands of the General Court, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the men and women of Graphic Services be publicly saluted and recognized alphabetically by name, to wit: Nancy Barker, Karole Brownell, Ken Collins, Brian Cummings, Donna Cummings, Jim Dufour, Jim Frost, Rich Frost, Bob Gagne, Paul

Maloney, Dick Moulton, Lou Newton, Marie Parenteau, Jim Picknell, Roger Quimby, Dave Roy, Tim Russell, Steve Saturley, Joe Shea, Andy Stout, and Ted Welch.

Adopted.

### **SENATE MESSAGE GOVERNOR'S VETO SUSTAINED**

**SB 140-FN**, establishing a committee to study rate setting for certain services, placements, and programs.

### **ENROLLED BILL AMENDMENT**

**HB 35-A**, making appropriations for capital improvements.

#### **Amendment**

Amend section 27, paragraph II(1) line 2 with the following:

in 1989, 367:1, XII, A, 1, 3, and 4 for aeronautics projects.

Adopted.

### **RESOLUTION**

Its introduction having been approved by the Rules Committee, Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Constitutional Amendment Concurrent Resolution numbered 13, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### **INTRODUCTION OF CACR**

#### **First, second reading and referral**

**CACR 13**, relating to taxes on business profits. Providing that the general court may levy taxes on profits or distributions paid to the owners by the business. (Chambers of Grafton Dist. 12; Trombly of Merrimack Dist. 4; Spear of Cheshire Dist. 13 - To Ways and Means)

Rep. Gross presented a briefing on the budget and yielded to questions.

Rep. Hager addressed the House on the budget and yielded to questions.

### **RECESS**

### **ENROLLED BILL REPORT**

**HB 35-A**, making appropriations for capital improvements.

Rep. Marsh for the Committee

### **COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

**HB 25-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993. (Report printed SJ 33, 6/26/91)

Rep. Jacobson spoke in favor.

Reps. Reidy and Spear spoke against.

Rep. Teague spoke to the report.

Rep. Nardi spoke against.

Rep. Lougee spoke in favor.

Rep. Trombly spoke against.

Reps. Teschner and Spencer spoke in favor.

Rep. Chambers spoke against.  
 Reps. Welch and Gross spoke in favor.  
 Roll call request sufficiently seconded.  
 The question being adoption of the Conference report.

**YEAS 259**

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Maviglio, Steven R.  
 Salatiello, Thomas B.  
 Vogler, Charles C.

Allard, Nanci A.  
 Chandler, Gene G.  
 Foster, Robert W.

Burnham, Daniel M.  
 Crutchley, Donald O.  
 Grodin, Richard A.  
 Kingsbury, H. Thayer  
 Morse, Jo Ann T.  
 Sawyer, Alfred P.

Brungot, Catherine V.  
 Guay, Lawrence J.  
 Marsh, Beaton  
 Nelson, Harold D.  
 Theriault, Romeo J.

Adams, Carl S.  
 Brown, Channing T.  
 Copenhaver, Marion L.  
 Lougee, Richard W.  
 Scanlan, David M.  
 Trelfa, Richard T.  
 Whitcomb, Henry F., Jr.

Ahrens, Frederick G.  
 Baldizar, Barbara J.  
 Chasse, Richard D.  
 Dodge, Emma M.  
 Durham, Susan B.  
 Ferlan, Arthur P.  
 Gage, Ruth E.  
 Greenglass, Alan B.

Cain, Thomas G.  
 Holbrook, Robert G.  
 Rice, Thomas E. P., Jr.  
 Shibley, Arnold P.

**CARROLL**  
 Beach, Mildred A.  
 Dickinson, Howard C.  
 Wiggin, Gordon E.

**CHESHIRE**  
 Champagne, Richard L.  
 Doucette, Richard F.  
 Hogan, James B.  
 Lynch, Margaret A.  
 Pearson, Gertrude B.  
 Young, David A.

**COOS**  
 Buckley, C. Fitzgerald  
 Horton, Lynn C.  
 Mayhew, Josephine  
 Oliver, Terry D.

**GRAFTON**  
 Arnesen, Deborah L.  
 Brown, Patricia B.  
 Driscoll, William J.  
 Nielsen, Niels F., Jr.  
 Shackett, Ralph E.  
 Wadsworth, Karen O.

**HILLSBOROUGH**  
 Andrews, Frederick B.  
 Bowers, Dorothy C.  
 Cowenhoven, Garret P.  
 Drabinowicz, A. Theresa  
 Dyer, Merton S.  
 Fields, Dennis H.  
 Gagnon, Eugene L.  
 Gureckis, Adam C., Sr.

**NAYS 90**

Campbell, Richard H., Jr.  
 Johnson, Carl R.  
 Rosen, Ralph J.  
 Turner, Robert H.

Bradley, Jeb E.  
 Dodge, A. Gibb, Jr.

Cole, Stacey W.  
 Feuer, Joseph N.  
 Hunt, John B.  
 Metzger, Katherine H.  
 Perry, David M.

Coulombe, Henry W.  
 Kilbride, Dennis J.  
 Merrill, Gerald P.  
 Pratt, Leighton C.

Bean, Pamela B.  
 Christy, C. Dana  
 Larson, Nils H., Jr.  
 Nordgren, Sharon L.  
 Teschner, Douglass P.  
 Ward, Kathleen W.

Arnold, Barbara E.  
 Calawa, Leon, Jr.  
 Desrosiers, William J.  
 Drolet, Paul L.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Green, Scott E.  
 Haettenschwiller, Alphonse



Hanselman, Gregory L.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lawrence, Eva M.  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Upton, Barbara A.  
 White, John M.

Holden, Carol H.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lawrence, Norman B.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Moore, Elizabeth A.  
 Record, Alice B.  
 Rothhaus, Finlay C.  
 Smith, Leonard A.  
 Tarpley, Nancy L.  
 Vanderlosk, Stanley R.

Jordan, Mary H.  
 Kurk, Neal M.  
 Larochelle, Roger B.  
 Leclerc, Charles J.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Packard, Bonnie B.  
 Rheault, Lillian I.  
 Sallada, Roland A.  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
 Braiterman, Thea  
 Daneault, Gabriel J.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Johnson, Joyce M.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Stio, Peter M.  
 Whittemore, James A.

Barberia, Richard A.  
 Carter, Susan D.  
 Dunn, Miriam D.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Teague, Bert  
 Yeaton, Charles B.

Boucher, Laurent J.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, C. William  
 Letourneau, George E.  
 Millard, Elizabeth S.  
 Stapleton, Henry F.  
 Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Flanders, Harry E.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 Packard, Sherman A.  
 Raynowska, Bernard J.  
 Seward, Russell G.  
 Smith, Arthur W.  
 Sytek, John J.  
 Tufts, Arthur  
 Woods, Deborah L.

Benton, Richardson D.  
 Caswell, Albert, Jr.  
 Coffey, John J.  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 McKinney, Betsy  
 Pantelakos, Laura C.  
 Schmidtchen, Rowland H.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Vaughn, Charles L.

Buco, Stephen W.  
 Christie, Andrew, Jr.  
 Connell, David R.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Haynes, Richard  
 Hurst, Sharleene P.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 Melnick, Roy E.  
 Parr, Ednapearl F.  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Thayer, Leroy C.  
 Welch, David A.

**STRAFFORD**

Appleby, James E.  
Brown, Julie M.  
Flynn, Edward J.  
Gilmore, Gary R.  
Keans, Sandra B.  
Marston, Robert E.  
Nehring, William H.  
Parks, Joe B.  
Torr, Ralph W.  
Young, John B.

Bernard, Mary E.  
Corte, Arthur B.  
Foss, Patricia H.  
Hambrick, Patricia A.  
Kincaid, William K.  
Messier, Donald R.  
O'Brien, John  
Spencer, Leo J.  
Wall, Janet G.

Bickford, Drucilla  
Douglass, Clyde J.  
Frechette, Roland A.  
Hashem, Elaine M.  
Kinney, Paula J.  
Musler, George T.  
Pageotte, Donald P.  
Torr, Ann M.  
Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
Harland, Jane A.  
Peyron, Fredrik  
Stamatakis, Carol M.

Behrens, Thomas A.  
Krueger, Richard H.  
Rodeschin, Beverly T.

Flint, Gordon B.  
Middleton, John A.  
Schotanus, Merle W.

**NAYS 90  
BELKNAP**

Accornero, Harry

Joscelyn, William W.

Zaharchuk, Peter J., Jr.

**CARROLL**

Daly, Robert J., Jr.

Jean, Robert R.

**CHESHIRE**

Cole, Kenneth A.  
Kennison, Wayne A.  
Riley, William A.

DePecol, Benjamin J.  
Laurent, John J.  
Spear, Susan S.

Foster, Katherine D.  
Pratt, Irene A.

**COOS**

Hawkinson, Marie C.

**GRAFTON**

Chambers, Mary P.  
White, Paul R.

Dow, David

Guest, Robert H.

**HILLSBOROUGH**

Ackerman, Philip M.  
Bourque, Ann J.  
Cote, David E.  
Daniels, Gary L.  
Donovan, Francis X.  
Gagnon, Gabrielle V.  
Healy, Walter F.  
Jasper, Shawn N.  
Keane, Cornelius J.  
Lozeau, Donnalee M.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Turgeon, Roland M.

Alukonis, David J.  
Buckley, Raymond  
Crotty, Edward J.  
Desrochers, Gerard T.  
Dwyer, Patricia R.  
Gosselin, Gerald O.  
Hultgren, David D.  
Jean, Romeo W.  
King, Frank P.  
Martin, Mary Ellen  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Riley, Frances L.  
Wheeler, David K.

Baroody, Benjamin C.  
Cook, Valerie S.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Hall, Betty B.  
Janas, Gregory  
Johnson, Lionel W.  
Laughlin, J. Francis  
Murphy, Robert E.  
Ouellette, Robert O.  
Pignatelli, Debora B.  
Soucy, Donna M.  
Wright, George W.

**MERRIMACK**

Christie, Thomas J.  
Soldati, Jennifer G.

Jelley, Francis D.  
Trombly, Rick A.

Molner, Mary E.  
Wallner, Mary Jane

**ROCKINGHAM**

Boucher, William P.  
Dube, LeRoy S.  
McGovern, Cynthia A.  
Roulston, Donald L.  
Warburton, Calvin

Brown, Jeffrey M.  
Griebisch, Linda  
Palazzo, Frank J.  
Rubin, George R.

Chulack, Peter G., Sr.  
MacKinnon, Nancy W.  
Rosencrantz, James R.  
Schanda, Joseph, Sr.

**STRAFFORD**

Jankowski, Peter M.  
Pelley, Janet R.

McCann, William H., Jr.  
Sullivan, Henry P.

Merrill, Amanda A.  
Vincent, Francis C.

**SULLIVAN**

Burling, Peter Hoe  
Tetu, Michael A.

Domini, Irene C.  
Walsh, Robert R.

Lindblade, Eric N.

and the Conference report was adopted.

**HB 65-FN-A**, relative to administration and enforcement of the securities laws, state employee benefits, and state fees, funds, revenues and expenditures. (Report printed SJ 33, 6/26/91)

Rep. Pepino spoke against.

Rep. Nielsen spoke in favor.

Rep. Stacey Cole spoke against.

Reps. Hager and Gross spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the Conference report.

**YEAS 235**

**NAYS 112**

**YEAS 235****BELKNAP**

Bartlett, Gordon E.  
Hawkins, Robert S.  
Maviglio, Steven R.  
Salatiello, Thomas B.  
Vogler, Charles C.

Cain, Thomas G.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Rosen, Ralph J.  
Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Foster, Robert W.

Beach, Mildred A.  
Dickinson, Howard C.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.

**CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Pearson, Gertrude B.  
Young, David A.

Champagne, Richard L.  
Doucette, Richard F.  
Hunt, John B.  
Lynch, Margaret A.  
Perry, David M.

Cole, Stacey W.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Marsh, Beaton  
Nelson, Harold D.  
Theriault, Romeo J.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

Bean, Pamela B.  
Driscoll, William J.  
Lougee, Richard W.  
Shackett, Ralph E.  
Wadsworth, Karen O.

Brown, Channing T.  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Baldizar, Barbara J.  
Cowenhoven, Garret P.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Fields, Dennis H.  
Green, Scott E.  
Haettenschwiller, Alphonse  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lown, Elizabeth D.  
Mercer, Robert S.  
Murphy, Robert E.  
Rheault, Lillian I.  
Smith, Leonard A.  
Tarpley, Nancy L.  
Vanderlosk, Stanley R.

Andrews, Frederick B.  
Bowers, Dorothy C.  
Desrosiers, William J.  
Drolet, Paul L.  
Ferguson, Charles  
Ford, Nancy M.  
Greenglass, Alan B.  
Holden, Carol H.  
Kelley, Robert N.  
Lachut, Ervin R.  
McCann, Bonnie Lou  
Messier, Irene M.  
Peters, Stanley W.  
Sallada, Roland A.  
Steiner, Lee Anne  
Tate, Joan C.  
Wheeler, Robert L.

Arnold, Barbara E.  
Calawa, Leon, Jr.  
Dodge, Emma M.  
Durham, Susan B.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Jordan, Mary H.  
Kurk, Neal M.  
Lawrence, Eva M.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Record, Alice B.  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Upton, Barbara A.  
White, John M.

**MERRIMACK**

Apple, Lowell D.  
Chandler, Earle W.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Nichols, Avis B.  
Teague, Bert  
Yeaton, Charles B.

Boucher, Laurent J.  
Daneault, Gabriel J.  
Gross, Caroline L.  
Hayes, Robert C.  
Jacobson, Alf E.  
Kidder, William F.  
Lockwood, Robert A.  
Smith, Gerald R.  
Weeks, John F., Jr.

Carter, Susan D.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, C. William  
Letourneau, George E.  
Millard, Elizabeth S.  
Stio, Peter M.  
Whittemore, James A.

**ROCKINGHAM**

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Coffey, John J.  
Cooke, Annette M.  
Dowd, Sandra K.

Benton, Richardson D.  
Christie, Andrew Jr.  
Connell, David R.  
Cote, Patricia L.  
Dowling, Patricia A.

Buco, Stephen W.  
Clark, Martha Fuller  
Conroy, Janet M.  
DiPietro, Carmela M.  
Drake, Herbert R.



Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Magoon, Harold F.  
 McKinney, Betsy  
 Parr, Ednapearl F.  
 Seward, Russell G.  
 Smith, Arthur W.  
 Sytek, John J.  
 Tufts, Arthur

Flanagan, Natalie S.  
 Ford, Bert H.  
 Haynes, Richard  
 Hurst, Sharleene P.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Raynowska, Bernard J.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Vaughn, Charles L.

Flanders, Harry E.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 McGovern, Cynthia A.  
 Packard, Sherman A.  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Thayer, Leroy C.  
 Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
 Brown, Julie M.  
 Flynn, Edward J.  
 Hambrick, Patricia A.  
 Kincaid, William K.  
 Messier, Donald R.  
 O'Brien, John  
 Torr, Ann M.  
 Wheeler, Katherine W.

Bernard, Mary E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Hashem, Elaine M.  
 Kinney, Paula J.  
 Musler, George T.  
 Parks, Joe B.  
 Torr, Ralph W.  
 Young, John B.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Gilmore, Gary R.  
 Keans, Sandra B.  
 Marston, Robert E.  
 Nehring, William H.  
 Spencer, Leo J.  
 Wall, Janet G.

### SULLIVAN

Allison, David C.  
 Flint, Gordon B.  
 Middleton, John A.  
 Stamatakis, Carol M.

Behrens, Thomas A.  
 Harland, Jane A.  
 Rodeschin, Beverly T.

Domini, Irene C.  
 Krueger, Richard H.  
 Schotanus, Merle W.

### NAYS 112

#### BELKNAP

Accornero, Harry

Joscelyn, William W.

Zaharchuk, Peter J., Jr.

### CARROLL

Daly, Robert J., Jr.

Jean, Robert R.

### CHESHIRE

Cole, Kenneth A.  
 Foster, Katherine D.  
 Riley, William A.

DePecol, Benjamin J.  
 Kennison, Wayne A.  
 Spear, Susan S.

Feuer, Joseph N.  
 Pratt, Irene A.

### COOS

Hawkinson, Marie C.

### GRAFTON

Arnesen, Deborah L.  
 Copenhaver, Marion L.  
 White, Paul R.

Chambers, Mary P.  
 Guest, Robert H.

Christy, C. Dana  
 Nordgren, Sharon L.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Baroody, Benjamin C.  
 Chasse, Richard D.  
 Crotty, Edward J.  
 Desrochers, Gerard T.  
 Dwyer, Patricia R.  
 Gage, Ruth E.  
 Hall, Betty B.  
 Hultgren, David D.  
 Jean, Romeo W.  
 King, Frank P.  
 Lawrence, Norman B.  
 Lozeau, Donnalee M.  
 O'Rourke, Joanne A.  
 Paquette, Rodolphe G.  
 Reidy, Frank J.  
 Soucy, Donna M.  
 Wright, George W.

Alukonis, David J.  
 Bourque, Ann J.  
 Cook, Valerie S.  
 Daigle, Robert A.  
 Domaingue, Jacquelyn M.  
 Elliott, Larry G.  
 Gagnon, Gabrielle V.  
 Hanselman, Gregory L.  
 Janas, Gregory  
 Johnson, Lionel W.  
 Larochelle, Roger B.  
 Leclerc, Charles J.  
 Martin, Mary Ellen  
 Ouellette, Robert O.  
 Pepino, Leo P.  
 Riley, Frances L.  
 Turgeon, Roland M.

Baker, George H., Sr.  
 Buckley, Raymond  
 Cote, David E.  
 Daniels, Gary L.  
 Donovan, Francis X.  
 Fenton, James J.  
 Gosselin, Gerald O.  
 Healy, Walter F.  
 Jasper, Shawn N.  
 Keane, Cornelius J.  
 Laughlin, J. Francis  
 Lefebvre, Roland J.  
 Nardi, Theodora P.  
 Packard, Bonnie B.  
 Pignatelli, Debora B.  
 Rothhaus, Finlay C.  
 Wheeler, David K.

**MERRIMACK**

Barberia, Richard A.  
 Dunn, Miriam D.  
 Soldati, Jennifer G.  
 Wallner, Mary Jane

Braiterman, Thea  
 Jelley, Francis D.  
 Stapleton, Henry F.

Christie, Thomas J.  
 Molner, Mary E.  
 Trombly, Rick A.

**ROCKINGHAM**

Boucher, William P.  
 Chulack, Peter G., Sr.  
 Lovejoy, Virginia K.  
 Pantelakos, Laura C.  
 Rubin, George R.  
 Warburton, Calvin

Brown, Jeffrey M.  
 Dube, LeRoy S.  
 MacKinnon, Nancy W.  
 Rosencrantz, James R.  
 Schanda, Joseph, Sr.  
 Welch, David A.

Caswell, Albert, Jr.  
 Griebisch, Linda  
 Palazzo, Frank J.  
 Roulston, Donald L.  
 Schmidtchen, Rowland H.

**STRAFFORD**

Frechette, Roland A.  
 Merrill, Amanda A.  
 Sullivan, Henry P.

Jankowski, Peter M.  
 Pageotte, Donald P.  
 Vincent, Francis C.

McCann, William H., Jr.  
 Pelley, Janet R.

**SULLIVAN**

Burling, Peter Hoe  
 Walsh, Robert R.

Lindblade, Eric N.

Tetu, Michael A.

and the Conference report was adopted.

**SUSPENSION OF RULES**

Rep. Gross moved that the rules be so far suspended as to permit consideration of the Committee of Conference report on HB 669, relative to the borrowing authority of the state treasurer, which contains a non-germane amendment and spoke to her motion. (Sections 5 and 6)

On a division vote, 252 members having voted in the affirmative and 89 in the negative, the rules were suspended by the necessary two-thirds.

**COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL**

**HB 669-FN**, relative to the borrowing authority of the state treasurer. (Report printed SJ 33, 6/26/91)

The Conference report was adopted.

**REMARKS**

The Speaker recognized Rep. Parr who addressed the House.

Rep. Malcolm moved that Rep. Parr's remarks be printed in the Journal.

Adopted.

Rep. Parr: Mr. Speaker and wonderful colleagues, thank you so much. You have no idea how wonderful it is to be back. When I stood up here before, I wasn't real sure whether I'd ever be back in front of you again. Believe you me, I was frightened and scared of such a long operation. But, with your prayers and with your thoughts I came through it with flying colors. I'm now taking radiation treatments and I have two more weeks of that to go. But, I'm going to be fine and when this is over I'm going to be all right and everything will be behind me. I also wish to thank you from the bottom of my heart for all the cards that you have sent me, both in the hospital and at home. And also, for you wonderful committee chairmen that have sent me flowers. You have no idea what they do for you in a hospital when you are so ill and the individuals that sent me flowers. I'm still shaky and I still can't write any thank you notes, but I'm here and that's the main thing. And I love each one of you. You're every one just as precious to me as you can be.

**SUSPENSION OF RULES**

Reps. Gross and Chambers moved that the rules be so far suspended as to permit consideration of CACR 13 and HCR 15 at the present time.

Rep. Sytek spoke in favor and yielded to questions.

Rep. Murphy spoke against.

Rep. Hawkins spoke in favor and yielded to questions.

Rep. Burling spoke in favor.

Rep. Warburton spoke against.

Rep. Trombly spoke in favor.

On a division vote, 159 members having voted in the affirmative and 174 in the negative, the motion to suspend failed lacking the necessary two-thirds.

**GOVERNOR'S VETO MESSAGE ON HB 649**

To the Honorable Members of the General Court:

I have this day vetoed HB 649-FN, an act relative to the cigarette tax.

If HB 649-FN becomes law, New Hampshire will lose three to six million dollars in revenue per year.

Further, lowering the cigarette tax 4 cents per pack will not measurably increase sales. Cigarette sales are decreasing in New Hampshire for two obvious reasons: (1) fewer people are smoking and a number of people who do some are smoking less and (2) the New Hampshire economy has slowed and fewer tourists or other travelers have been present in the New Hampshire marketplace. Neither reason has anything to do with the existing New Hampshire tax.

Under existing law, New Hampshire cigarette sales are 10 percent higher than the national average. It is unreasonable to believe that lowering the tax will substantially increase that 10 percent margin. If lowering prices meant substantially greater sales, then tobacco manufacturers would be reducing their wholesale prices, not increasing them as they have consistently done in the past several years.

Nationwide, cigarette sales are declining. The more Americans learn about the hazards of smoking, the smaller the demand for cigarettes will be. Cigarette usage already burdens society with huge health care costs and state government should not have to pick up the additional costs of funding this tax reduction.

Retaining our tax at 25 cents per pack compare to the following rates of the surrounding states, including sales taxes, on the average retail price of a pack of cigarettes:

Connecticut: 54 cents, Maine: 46 cents, Massachusetts: 35 cents, Rhode Island: 50 cents, Vermont: (eff. 7/1/92) 29 cents, New York: 52 cents.

The existing tax is reasonable in relation to our surrounding states and is entirely appropriate. It produces the revenue New Hampshire needs without penalizing buyers or sellers; therefore, I do not believe it is in the best interest of the State of New Hampshire that HB 649-FN become law.

Judd Gregg, Governor

The question being, notwithstanding the Governor's veto, shall HB 649-FN pass?

Rep. Barnes spoke against and yielded to questions.

Rep. Welch spoke in favor and yielded to questions.

Reps. Coffey and Soldati spoke against.

Rep. Donna Sytek spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

#### YEAS 123

#### NAYS 220

#### YEAS 123 BELKNAP

Bartlett, Gordon E.  
Vogler, Charles C.

Hawkins, Robert S.

Joscelyn, William W.

#### CARROLL

Beach, Mildred A.

Wiggin, Gordon E.

#### CHESHIRE

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kennison, Wayne A.  
Young, David A.

Champagne, Richard L.  
Doucette, Richard F.  
Lynch, Margaret A.

Crutchley, Donald O.  
Foster, Katherine D.  
Pearson, Gertrude B.

#### COOS

Brungot, Catherine V.  
Horton, Lynn C.  
Pratt, Leighton C.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Therriault, Romeo J.

Hawkinson, Marie C.  
Nelson, Harold D.

#### GRAFTON

Christy, C. Dana  
Teschner, Douglass P.

Scanlan, David M.  
Ward, Kathleen W.

Shackett, Ralph E.  
White, Paul R.

#### HILLSBOROUGH

Ahrens, Frederick G.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Gage, Ruth E.  
Holden, Carol H.  
Keane, Cornelius J.

Andrews, Frederick B.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Gagnon, Gabrielle V.  
Jean, Romeo W.  
Kelley, Dana F.

Cook, Valerie S.  
Daigle, Robert A.  
Desrosiers, William J.  
Elliott, Larry G.  
Gureckis, Adam C., Sr.  
Johnson, Lionel W.  
Kelley, Robert N.



King, Frank P.  
Laughlin, J. Francis  
Mason, Howard F.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Sallada, Roland A.

Kurk, Neal M.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Murphy, Robert E.  
Robinson, Ellen-Ann  
Stiles, Walter A.

Lachut, Ervin R.  
Lozeau, Donnalee M.  
McNerney, Daniel P.  
Ouellette, Robert O.  
Rothhaus, Finlay C.  
Turgeon, Roland M.

#### MERRIMACK

Barberia, Richard A.  
Hall, Douglas E.  
Johnson, C. William  
Nichols, Avis B.

Gross, Caroline L.  
Hayes, Robert C.  
Lockwood, Robert A.  
Stapleton, Henry F.

Hager, Elizabeth S.  
Hill, Michael J.  
Molner, Mary E.

#### ROCKINGHAM

Benton, Richardson D.  
Connell, David R.  
Felch, Charles H., Sr.  
Gage, Beverly A.  
Klemm, Arthur P., Jr.  
Magoon, Harold F.  
Palazzo, Frank J.  
Roulston, Donald L.  
Simon, Peter M.  
Sytek, Donna P.  
Welch, David A.

Boucher, William P.  
Dowling, Patricia A.  
Flanders, Harry E.  
Greene, Elizabeth A.  
Lovejoy, Virginia K.  
McKinney, Betsy  
Raynowska, Bernard J.  
Rubin, George R.  
Skinner, Patricia M.  
Sytek, John J.

Brown, Jeffrey M.  
Dube, LeRoy S.  
Ford, Bert H.  
Hutchinson, Karen K.  
MacKinnon, Nancy W.  
Melnick, Roy E.  
Rosencrantz, James R.  
Senter, Marilyn P.  
Smith, Arthur W.  
Tufts, Arthur

#### STRAFFORD

Brown, Julie M.  
Messier, Donald R.  
Torr, Ann M.

Kincaid, William K.  
Parks, Joe B.  
Vincent, Francis C.

Kinney, Paula J.  
Pelley, Janet R.  
Young, John B.

#### SULLIVAN

Behrens, Thomas A.

Rodeschin, Beverly T.

Schotanus, Merle W.

#### NAYS 220

#### BELKNAP

Accornero, Harry  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.

Cain, Thomas G.  
Johnson, Carl R.  
Rosen, Ralph J.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Salatiello, Thomas B.  
Zaharchuk, Peter J., Jr.

#### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Foster, Robert W.

Bradley, Jeb E.  
Dickinson, Howard C.  
Jean, Robert R.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.

#### CHESHIRE

Cole, Kenneth A.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Perry, David M.  
Spear, Susan S.

Cole, Stacey W.  
Hogan, James B.  
Laurent, John J.  
Riley, William A.

Feuer, Joseph N.  
Hunt, John B.  
Metzger, Katherine H.  
Sawyer, Alfred P.

**COOS**

Buckley, C. Fitzgerald  
Mayhew, Josephine

Coulombe, Henry W.  
Merrill, Gerald P.

Marsh, Beaton  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Whitcomb, Henry F., Jr.

Arnesen, Deborah L.  
Chambers, Mary P.  
Guest, Robert H.  
Lougee, Richard W.  
Trelfa, Richard T.

Bean, Pamela B.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baker, George H., Sr.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Dodge, Emma M.  
Durham, Susan B.  
Fenton, James J.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Jasper, Shawn N.  
Larochelle, Roger B.  
Leclerc, Charles J.  
Mercer, Robert S.  
O'Rourke, Joanne A.  
Peters, Stanley W.  
Reidy, Frank J.  
Smith, Leonard A.  
Tate, Joan C.  
Wheeler, David K.

Alukonis, David J.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Ferguson, Charles  
Ford, Nancy M.  
Green, Scott E.  
Hall, Betty B.  
Hultgren, David D.  
Jordan, Mary H.  
Lawrence, Eva M.  
Lefebvre, Roland J.  
Messier, Irene M.  
Paquette, Rodolphe G.  
Pignatelli, Debora B.  
Rheault, Lillian I.  
Soucy, Donna M.  
Upton, Barbara A.  
Wheeler, Robert L.

Arnold, Barbara E.  
Baroody, Benjamin C.  
Buckley, Raymond  
Cote, David E.  
Drolet, Paul L.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Janas, Gregory  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Pepino, Leo P.  
Record, Alice B.  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.  
Vanderlosk, Stanley R.  
White, John M.

**MERRIMACK**

Apple, Lowell D.  
Carter, Susan D.  
Daneault, Gabriel J.  
Gilbreth, Robert M.  
Jelley, Francis D.  
Letourneau, George E.  
Smith, Gerald R.  
Teague, Bert  
Weeks, John F., Jr.

Boucher, Laurent J.  
Chandler, Earle W.  
Dunn, Miriam D.  
Holmes, Mary C.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Soldati, Jennifer G.  
Trombly, Rick A.  
Whittemore, James A.

Braiterman, Thea  
Christie, Thomas J.  
Fillion, Paul R.  
Jacobson, Alf E.  
Kidder, William F.  
Millard, Elizabeth S.  
Stio, Peter M.  
Wallner, Mary Jane  
Yeaton, Charles B.

**ROCKINGHAM**

Barnes, John S., Jr.  
Caswell, Albert, Jr.  
Clark, Martha Fuller  
Cooke, Annette M.  
Dowd, Sandra K.

Buco, Stephen W.  
Christie, Andrew, Jr.  
Coffey, John J.  
Cote, Patricia L.  
Drake, Herbert R.

Campbell, Marilyn R.  
Chulack, Peter G., Sr.  
Conroy, Janet M.  
DiPietro, Carmela M.  
Flanagan, Natalie S.

Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Malcolm, Kenneth W.  
 Pantelakos, Laura C.  
 Schmidtchen, Rowland H.  
 Terninko, Margaret B.  
 Warburton, Calvin

Griebsch, Linda  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 McGovern, Cynthia A.  
 Parr, Ednapearl F.  
 Seward, Russell G.  
 Thayer, Leroy C.  
 Woods, Deborah L.

Hoar, John, Jr.  
 Hynes, Carolyn E.  
 Klemarczyk, Thaddeus E.  
 Packard, Sherman A.  
 Schanda, Joseph, Sr.  
 Syracuse, Anthony  
 Vaughn, Charles L.

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 Merrill, Amanda A.  
 O'Brien, John  
 Sullivan, Henry P.  
 Wheeler, Katherine W.

Bernard, Mary E.  
 Douglass, Clyde J.  
 Frechette, Roland A.  
 Hashem, Elaine M.  
 Marston, Robert E.  
 Musler, George T.  
 Pageotte, Donald P.  
 Torr, Ralph W.

Bickford, Drucilla  
 Flynn, Edward J.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 McCann, William H., Jr.  
 Nehring, William H.  
 Spencer, Leo J.  
 Wall, Janet G.

### SULLIVAN

Allison, David C.  
 Flint, Gordon B.  
 Lindblade, Eric N.  
 Stamatakis, Carol M.

Burling, Peter Hoe  
 Harland, Jane A.  
 Middleton, John A.  
 Tetu, Michael A.

Domini, Irene C.  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Walsh, Robert R.

and the veto was sustained.

Rep. Pepino notified the Clerk that he voted nay and meant to vote yea.

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 40-FN-A**, relative to certain state taxes and making an appropriation therefor.  
 (Amendment printed SJ 33, 6/26/91)

Rep. Donna Sytek moved that the House concur and spoke in favor.

Adopted.

### SUSPENSION OF RULES

Reps. Gross and Chambers moved that the Rules be so far suspended as to permit consideration of the Committee of Conference report on HB 64-FN-A at the present time.

Rep. Gross spoke in favor.

Adopted by the necessary two-thirds.

### COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

**HB 64-FN-A**, relative to establishing a tax on nuclear station property and making an appropriation therefor. (Report printed SJ 34, 6/27/91)

Reps. William McCann spoke against.

Rep. Hayes spoke in favor and yielded to questions.

Rep. Soldati spoke against.

Rep. Donna Sytek spoke in favor and yielded to questions.

Rep. Gross spoke in favor.

Roll call request sufficiently seconded.

The question being the adoption of the Conference report.

**YEAS 174**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Shibley, Arnold P.

Allard, Nanci A.  
Dickinson, Howard C.  
Wiggin, Gordon E.

Burnham, Daniel M.  
Crutchley, Donald O.  
Hogan, James B.  
Metzger, Katherine H.  
Sawyer, Alfred P.

Brungot, Catherine V.  
Horton, Lynn C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Adams, Carl S.  
Brown, Patricia B.  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Ward, Kathleen W.

Ahrens, Frederick G.  
Bowers, Dorothy C.  
Desrosiers, William J.  
Drolet, Paul L.  
Fenton, James J.  
Green, Scott E.  
Holden, Carol H.  
Lachut, Ervin R.  
Mason, Howard F.  
Mercer, Robert S.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Tate, Joan C.  
Wheeler, Robert L.

**YEAS 174****BELKNAP**

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Turner, Robert H.

**CARROLL**

Beach, Mildred A.  
Dodge, A. Gibb, Jr.

**CHESHIRE**

Champagne, Richard L.  
Feuer, Joseph N.  
Hunt, John B.  
Pearson, Gertrude B.

**COOS**

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Nelson, Harold D.

**GRAFTON**

Bean, Pamela B.  
Christy, C. Dana  
Larson, Nils H., Jr.  
Scanlan, David M.  
Trelfa, Richard T.  
Whitcomb, Henry F., Jr.

**HILLSBOROUGH**

Andrews, Frederick B.  
Calawa, Leon, Jr.  
Dodge, Emma M.  
Durham, Susan B.  
Fields, Dennis H.  
Greenglass, Alan B.  
Kelley, Dana F.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Messier, Irene M.  
Record, Alice B.  
Sallada, Roland A.  
Stiles, Walter A.  
Upton, Barbara A.

**NAYS 169**

Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Bradley, Jeb E.  
Foster, Robert W.

Cole, Stacey W.  
Grodin, Richard A.  
Kennison, Wayne A.  
Perry, David M.

Guay, Lawrence J.  
Marsh, Beaton  
Oliver, Terry D.

Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.  
Shackett, Ralph E.  
Wadsworth, Karen O.

Arnold, Barbara E.  
Cowenhoven, Garret P.  
Donovan, Francis X.  
Dyer, Merton S.  
Ford, Nancy M.  
Gureckis, Adam C., Sr.  
Kelley, Robert N.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Tarpley, Nancy L.  
Vanderlosk, Stanley R.



**MERRIMACK**

Carter, Susan D.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Holmes, Mary C.  
 Lockwood, Robert A.  
 Stapleton, Henry F.  
 Weeks, John F., Jr.

Chandler, Earle W.  
 Gilbreth, Robert M.  
 Hayes, Robert C.  
 Johnson, C. William  
 Millard, Elizabeth S.  
 Stio, Peter M.

Daneault, Gabriel J.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Kidder, William F.  
 Smith, Gerald R.  
 Teague, Bert

**ROCKINGHAM**

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Connell, David R.  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Flanders, John W., Sr.  
 Hurst, Sharleene P.  
 Klemm, Arthur P., Jr.  
 Melnick, Roy E.  
 Seward, Russell G.  
 Smith, Arthur W.  
 Tufts, Arthur

Benton, Richardson D.  
 Clark, Martha Fuller  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Greene, Elizabeth A.  
 Johnson, Robert A.  
 Magoon, Harold F.  
 Roulston, Donald L.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Vaughn, Charles L.

Boucher, William P.  
 Coffey, John J.  
 Cooke, Annette M.  
 Dowling, Patricia A.  
 Flanders, Harry E.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 McKinney, Betsy  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Woods, Deborah L.

**STRAFFORD**

Bickford, Drucilla  
 Douglass, Clyde J.  
 Keans, Sandra B.  
 Nehring, William H.  
 Wheeler, Katherine W.

Brown, Julie M.  
 Flynn, Edward J.  
 Kinney, Paula J.  
 Parks, Joe B.  
 Young, John B.

Corte, Arthur B.  
 Foss, Patricia H.  
 Musler, George T.  
 Torr, Ann M.

**SULLIVAN**

Behrens, Thomas A.  
 Middleton, John A.

Domini, Irene C.  
 Rodeschin, Beverly T.

Krueger, Richard H.  
 Schotanus, Merle W.

**NAYS 169  
BELKNAP**

Accornero, Harry  
 Maviglio, Steven R.  
 Zaharchuk, Peter J., Jr.

Cain, Thomas G.  
 Rosen, Ralph J.

Joscelyn, William W.  
 Salatiello, Thomas B.

**CARROLL**

Chandler, Gene G.

Daly, Robert J., Jr.

Jean, Robert R.

**CHESHIRE**

Cole, Kenneth A.  
 Kingsbury, H. Thayer  
 Pratt, Irene A.

DePecol, Benjamin J.  
 Laurent, John J.  
 Riley, William A.

Foster, Katherine D.  
 Lynch, Margaret A.  
 Spear, Susan S.

**COOS**

Coulombe, Henry W.  
 Theriault, Romeo J.

Hawkinson, Marie C.

Mayhew, Josephine

**GRAFTON**

Arnesen, Deborah L.  
Dow, David  
White, Paul R.

Chambers, Mary P.  
Guest, Robert H.

Copenhaver, Marion L.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baldizar, Barbara J.  
Buckley, Raymond  
Cote, David E.  
Daniels, Gary L.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gagnon, Eugene L.  
Haetenschwiller, Alphonse  
Healy, Walter F.  
Jasper, Shawn N.  
Jordan, Mary H.  
Kurk, Neal M.  
Laughlin, J. Francis  
Lozeau, DonnaLee M.  
Nardi, Theodora P.  
Packard, Bonnie B.  
Reidy, Frank J.  
Soucy, Donna M.  
White, John M.

Alukonis, David J.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Dwyer, Patricia R.  
Ferlan, Arthur P.  
Gagnon, Gabrielle V.  
Hall, Betty B.  
Hultgren, David D.  
Jean, Romeo W.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Martin, Mary Ellen  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Riley, Frances L.  
Turgeon, Roland M.  
Wright, George W.

Baker, George H., Sr.  
Bourque, Ann J.  
Cook, Valerie S.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Gage, Ruth E.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Janas, Gregory  
Johnson, Lionel W.  
King, Frank P.  
Larochelle, Roger B.  
Leclerc, Charles J.  
Murphy, Robert E.  
Ouellette, Robert O.  
Pepino, Leo P.  
Rothhaus, Finlay C.  
Wheeler, David K.

**MERRIMACK**

Apple, Lowell D.  
Braiterman, Thea  
Hall, Douglas E.  
Johnson, Joyce M.  
Molner, Mary E.  
Trombly, Rick A.  
Yeaton, Charles B.

Barberia, Richard A.  
Christie, Thomas J.  
Jacobson, Alf E.  
Letourneau, George E.  
Nichols, Avis B.  
Wallner, Mary Jane

Boucher, Laurent J.  
Dunn, Miriam D.  
Jelley, Francis D.  
Lewis, Mary Ann  
Soldati, Jennifer G.  
Whittemore, James A.

**ROCKINGHAM**

Brown, Jeffrey M.  
Christie, Andrew, Jr.  
Dube, LeRoy S.  
Gage, Beverly A.  
Hutchinson, Karen K.  
Lovejoy, Virginia K.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Rubin, George R.  
Syracusa, Anthony  
Warburton, Calvin

Buco, Stephen W.  
Chulack, Peter G., Sr.  
Felch, Charles H., Sr.  
Griebsch, Linda  
Hynes, Carolyn E.  
MacKinnon, Nancy W.  
Packard, Sherman A.  
Raynowska, Bernard J.  
Schanda, Joseph, Sr.  
Terninko, Margaret B.  
Welch, David A.

Caswell, Albert, Jr.  
DiPietro, Carmela M.  
Ford, Bert H.  
Haynes, Richard  
Klemarczyk, Thaddeus E.  
Malcolm, Kenneth W.  
Palazzo, Frank J.  
Rosencrantz, James R.  
Schmidtchen, Rowland H.  
Thayer, Leroy C.

**STRAFFORD**

|                         |                       |                      |
|-------------------------|-----------------------|----------------------|
| Appleby, James E.       | Bernard, Mary E.      | Frechette, Roland A. |
| Gilmore, Gary R.        | Hambrick, Patricia A. | Hashem, Elaine M.    |
| Jankowski, Peter M.     | Kincaid, William K.   | Marston, Robert E.   |
| McCann, William H., Jr. | Merrill, Amanda A.    | Messier, Donald R.   |
| O'Brien, John           | Pageotte, Donald P.   | Pelley, Janet R.     |
| Spencer, Leo J.         | Sullivan, Henry P.    | Torr, Ralph W.       |
| Vincent, Francis C.     | Wall, Janet G.        |                      |

**SULLIVAN**

|                      |                    |                  |
|----------------------|--------------------|------------------|
| Allison, David C.    | Burling, Peter Hoe | Flint, Gordon B. |
| Harland, Jane A.     | Lindblade, Eric N. | Peyron, Fredrik  |
| Stamatakis, Carol M. | Tetu, Michael A.   | Walsh, Robert R. |

and the Conference report was adopted.

Rep. Pignatelli abstained from voting under Rule 16.

**SUSPENSION OF RULES**

Reps. Gross and Chambers moved that the rules be so far suspended as to permit consideration of the Committee of Conference report on HB 322 at the present time.

On a division vote, 213 members having voted in the affirmative and 115 in the negative, the motion to suspend failed lacking the necessary two-thirds.

**ENROLLED BILL REPORT**

**HB 25-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993.

Rep. Marsh, Sen. Currier  
for the Committee

Rep. Burling offered the following:

**HOUSE RESOLUTION NO. 29**

The Members of the New Hampshire House declare that service in the New Hampshire House is a privilege and a duty of the citizens of the State, and not a job or mode of employment, and that except for the purposes of the Internal Revenue Service mileage reimbursements made to legislators are not wages or payments for employment.

Adopted.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

**LATE SESSION****Third reading and final passage****RECONSIDERATION**

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby suspension of the rules to consider the Conference report on HB 322 failed, lacking the necessary two-thirds and spoke in favor of his motion.

Rep. Donna Sytek spoke in favor.

Reconsideration adopted.

### **SUSPENSION OF RULES**

Reps. Gross and Chambers moved that the rules be so far suspended as to permit consideration of the Committee of Conference report on HB 322 at the present time.

On a division vote, 230 members having voted in the affirmative and 105 in the negative, suspension was adopted by the necessary two-thirds.

### **COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL**

**HB 322**, relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes. (Report printed SJ 34, 6/27/91)

Adopted.

Rep. Gross moved that the House stand in recess for the purpose of Enrolled Bill Amendments and Enrolled Bill Reports only.

Adopted.

The House recessed at 4:55 p.m.

### **RECESS**

(Speaker Burns in the Chair)

### **ENROLLED BILL AMENDMENTS**

**HB 64-FN-A**, relative to establishing a tax on nuclear station property and making an appropriation therefor.

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the business profits tax, the real estate transfer tax,  
the communication services tax, relative to establishing  
a tax on nuclear station property and making an  
appropriation therefor, and appropriating  
funds for a tax expenditure report.

Amend section 6 of the bill by replacing lines 2-3 with the following:  
RSA 77-A:1 by inserting after paragraph XXI the following new paragraphs:

XXII. "Compensation", for the purposes of RSA 77-A:5, VII, means all

Amend section 6 of the bill by replacing line 7 with the following:

XXIII. "Eligible employee" means any individual employed by a

Amend section 10 of the bill by replacing lines 5-6 with the following:

percent of the compensation, as defined in RSA 77-A:1, XXII, paid during the taxable period to eligible employees, as defined in RSA 77-A:1, XXIII,

Adopted.

**HB 322**, relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes.

#### **Amendment**

Amend section 6 of the bill by replacing lines 2-3 with the following:  
after paragraph XIX the following new paragraph:

XX. Enter in contractual agreements with financial institutions to



Amend section 8 of the bill by replacing line 6 with the following:

**under 21-J:3, XX**, he shall in addition be removed from his office or

Amend the bill by replacing section 12 with the following:

12 Contingent Renumbering. If SB 208-FN becomes law, RSA 21-J:14, X as inserted by section 9 of this act shall be renumbered to RSA 21-J:14, XI.

13 Effective Date. This act shall take effect upon its passage.

Adopted.

## RECESS

**(Speaker Burns in the Chair)**

### ENROLLED BILLS REPORT

**HB 40-FN-A**, relative to certain state taxes.

**HB 64-FN-A**, relative to the business profits tax, the real estate transfer tax, the communication services tax, relative to establishing a tax on nuclear station property and making an appropriation therefor, and appropriating funds for a tax expenditure report.

**HB 65-FN-A**, relative to state fees, funds, revenues and expenditures.

**HB 322**, relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes.

**HB 669-FN**, relative to the borrowing authority of the state treasurer and relative to the industrial development authority and the housing finance authority.

Reps. Marsh and Dunn,

Sen. Currier for the Committee

## (RECESS)

Rep. Michael Hill moved that the House adjourn.

Adopted.

# RECALL SESSION OF 1991

## HOUSE JOURNAL No. 32

Tuesday, November 12, 1991

The House assembled at 11:00, the hour to which it was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Henry A. Beairsto.

Almighty God, under Whose care the seasons come and go in never-ending procession, we praise You for bringing us through the warmth of summer into the coolness of fall.

We pray Your spirit will be upon us now as we attempt to deal with the difficulties which face our government.

Guide us in our thoughts and in our actions, that out of sincere discussion and carefully made decisions may come solutions adequate to meet the challenges before us. In all things, give us a measure of compassion toward one another and toward the citizens of this state, and a commitment to fairness to all. Amen.

Rep. Parr led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Gabrielle Gagnon, Coffey, Weeks, Drabinowicz, Conroy, Morse, Nelson, Annette Cooke, Allen Wiggin and Whitcomb, the day, illness.

Reps. Gross, Eugene Gagnon, Gilbreth, Fair, Millard, Frechette, Copenhagen, Felch, Ward, Dyer, Spencer, Stacey Cole, Bell, Tarpley-Bamberger, Vanderlosk, Roulston, Wells, Lynch, Keith, Harland, Holmes, Haynes and Palazzo, the day important business.

Rep. A. Gibb Dodge, the day, illness in the family.

### INTRODUCTION OF GUESTS

Teresa and Bill Janero, guests of Rep. Greenglass. Judy McCann, wife of Rep. William McCann. Pamela Schaller and Tracey Everson, granddaughter and guest of Rep. Record. John and Ann Capo, aunt and uncle of Sen. Hollingworth, guests of Rep. Chambers.

### COMMUNICATIONS

September 20, 1991

Harold Burns, Speaker of the House

As you know, I've been stricken with chronic renal failure since last December, and have been receiving dialysis treatments twice a week since then. I have tried not to let this ailment interfere with my duties as an elected representative.

However, since the beginning of September, I have experienced further complications with my kidneys. It is the opinion of my physicians that the time has arrived—and the decision has been made—to remove both kidneys in order to stabilize my condition, owing to severed renal infection. This stabilization will also enhance my ability to receive a transplant, when that opportunity arrives, without any pre-medical problems which could interfere with the transplant.

The possibility of needing dialysis more than twice a week will certainly interfere with my obligations as a Representative. Therefore, it is with deep regret that, as of this date, I resign my seat as a member of the New Hampshire General Court, representing Rockingham District 28.

It has been my pleasure, as well as an honor, to have served four terms as a member of the General Court. Over the last seven years, I have made many friends, worked with the best staff, and developed a close relationship with members of the House Staff, the Sergeant-at-Arms Office, and more important, the members of my Committee, Health and Human Services.

In closing, I appreciate your concern for my health, your leadership and your friendship. I will keep you informed of my progress, and wish you and all members of the House good luck, good health and a productive session in 1992.

Lawrence A. Chase, State Representative

September 25, 1991

Harold Burns, Speaker of the House

Please be informed that I was appointed Guardian over Mary E. Bernard, a member of the New Hampshire House of Representatives, by the Strafford County Probate Court on August 1, 1991. A copy of my appointment is enclosed.

Mrs. Mary E. Bernard is and has been a Representative in the New Hampshire House for almost 10 or more terms. She has selflessly served her constituents well over this period. It now appears, however, that she will be unable to continue to remain a member of the House because of personal reasons.

Because of Mrs. Bernard's long term in the New Hampshire House and her strong attachment to her legislative duties, every opportunity has been taken to determine whether she would be able to continue to serve the remainder of her term, which expires in December 1992.

Furthermore it now appears that the fiscal situation of our State is not in balance and a Special Session of the members of the House may be called in the near future to address this fiscal problem.

Under the present circumstances, I, as Guardian, must reluctantly submit Mrs. Bernard's resignation to take effect immediately.

Stan Hawthorne, the attorney for the Ward, Mary E. Bernard, agrees with the contents of the resignation.

Approval of this letter has been obtained by Petition as required.

Very truly yours, Mary E. Bernard, By Margaret M. McLaughlin, Guardian

October 1, 1991

Harold Burns, Speaker of the House

I regret to inform you that I must submit my resignation from the New Hampshire House of Representatives, effective immediately. A career opportunity requires that I move out of state.

My decision was an extremely difficult one because of my respect for my constituents, my colleagues and the Legislature.

Sincerely, Susan Spear

James Chandler, Clerk of the House

This is to advise you that the following representatives-elect were sworn into office by the Governor and Executive Council.

September 9, 1991

Rockingham County District No. 7 (Derry)

Phyllis M. Katsakiores, r. Derry (1 Bradford St.) 03038

October 30, 1991

Hillsborough County District No. 10 (Milford)

Karen A. Carpenter, r, Milford (131 Summer St.) 03055

William M. Gardner, Secretary of State

### LEADERSHIP APPOINTMENT

Rep. Trombly succeeded former Rep. Spear as Deputy Minority Leader.

### COMMITTEE AND SEAT ASSIGNMENTS

Rep. Trombly was reassigned from the committee on Environment and Agriculture to the committee on Constitutional and Statutory Revision.

Rep. Maviglio was assigned to the committee on Legislative Administration.

Rep. Amanda Merrill was assigned to the committee on Environment and Agriculture.

Rep. David Young was assigned to the committee on Ways and Means.

Rep. Katsakiores was assigned to the committee on Constitutional and Statutory Revision and to seat 5-32.

Rep. Carpenter was assigned to seat 4-49.

### OPINION OF THE JUSTICES

October 29, 1991

The following Resolution No. 19, requesting an opinion of the justices, was adopted by the House of Representatives on March 21, 1991, and filed with the Supreme Court on March 27, 1991:

"Whereas, there is pending in the House, House Bill 762-FN, 'An Act to incorporate the inhabitants of the northeasterly part of Laconia into a separate town to be known as Weirs Beach, with all the privileges and immunities of other cities and towns in this state'; and

"Whereas, 'Revised Charter of City of Laconia, 1970,' as recorded at the office of the Secretary of State [a copy of which Charter shall accompany this resolution], contains in its Article I a description of the boundaries of the various wards of the city of Laconia; and

"Whereas, 'Revised Charter of City of Laconia, 1970,' as recorded at the office of the Secretary of State, provides for a city council-city manager form of government; and

"Whereas, enactment of HB 762-FN would, by establishing a new town of Weirs Beach within the current boundaries of the city of Laconia, effect a change of the boundaries of the city of Laconia; and

"Whereas, enactment of HB 762-FN would, by establishing a new town of Weirs Beach, cause those inhabitants of the new town of Weirs Beach who were formerly inhabitants of the city of Laconia to become inhabitants of a town as opposed to a city, but would not effect a change in the form of government of the remaining inhabitants of the city of Laconia; and

"Whereas, HB 762-FN contains a provision requiring a referendum of the inhabitants of that portion of the city of Laconia which would become the new town of Weirs Beach, as a precondition to the bill's taking effect if enacted; and

"Whereas, HB 762-FN contains certain provisions relating to the apportionment of debts, liabilities, obligations, real estate, equipment and personal property between the city of Laconia and the new town of Weirs Beach; and

"Whereas, a question has arisen as to the constitutionality of the provisions of the bill; and



“Whereas, it is important that the question of the constitutionality of said provisions should be settled in advance of its enactment; now, therefore, be it

“Resolved by the house:

“That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Would the change of the current boundaries of the city of Laconia, effected by enactment of HB 762-FN, constitute a change to ‘the charter or form of government’ of the city of Laconia, as that phrase is contemplated by Part I, Article 39 of the New Hampshire Constitution, in view of the court’s decision in *Sedgewick v. City of Dover*, 122 N.H. 193 (1982).

2. Would enactment of HB 762-FN, by establishing a new town of Weirs Beach and causing those inhabitants of the new town of Weirs Beach who were formerly inhabitants of the city of Laconia to become inhabitants of a town as opposed to a city, change ‘the charter or form of government’ of the city of Laconia, as that phrase is contemplated by Part I, Article 39 of the New Hampshire Constitution?

3. Would any other provisions of HB 762-FN, if enacted constitute a change to ‘the charter or form of government’ of the city of Laconia, as that phrase is contemplated by Part I, Article 39 of the New Hampshire Constitution?

4. If the answer to question 1, 2, or 3 is in the affirmative, does the provision contained in HB 762-FN, requiring a referendum of the inhabitants of that portion of the city of Laconia which would become the new town of Weirs Beach as a precondition to the bill’s taking effect, satisfy the requirements of Part I, Article 39 of the New Hampshire Constitution?

5. Do any aspects of HB 762-FN violate or conflict with any provisions of the New Hampshire Constitution?

“That the clerk of the House of Representatives transmit copies of this resolution and HB 762-FN to the Justices of the New Hampshire Supreme Court.”

The following response is respectfully returned.

To the Honorable House of Representatives:

The undersigned Justices of the Supreme Court now submit the following replies to your question of March 21, 1991. After our receipt of your resolution on March 27, 1991, we invited interested parties to file memoranda of law with the court until May 15, 1991.

House Bill (“HB”) 762-FN proposes to incorporate a new town of Weirs Beach and partition portions of two existing wards of the city of Laconia for the new town’s territorial jurisdiction. The memoranda filed with this court demonstrate that this partition is earnestly sought by at least some Weirs Beach area residents, who perceive themselves geographically and politically isolated from Laconia. It is earnestly opposed by the city of Laconia. The existing Laconia City charter includes a detailed description of the boundaries of each ward of the city, Revised Charter of City of Laconia, 1970, Section 1:02, as well as a more generalized statement of what areas constitute the city, *id.* Section 1:01. A boundary description of some kind has been in the Laconia charter since it was first granted to the inhabitants of the area by the legislature, Laws 1893, ch. 241, several years after the legislature separated the Laconia area from Meredith, Laws 1855, ch. 1689.

Section one of HB 762-FN contains a detailed three-page description of a boundary line for the proposed town of Weirs Beach. The bill also states that “[t]he boundaries of the city of Laconia shall be as formerly established less those lands bounded and

described in this act.” Without question, the bill would define new boundaries for Laconia and, although not expressly amending the Laconia charter, would cause those sections of the Laconia charter which purport to delineate the city boundaries to be obsolete. The issue which arises is whether this redrawing of boundaries changes the “charter” of Laconia in the integral manner which would trigger the referendum requirement of part I, article 39 of the New Hampshire Constitution, or whether such redrawing is a legitimate exercise of legislative power outside the scope of the charter change requirements.

Municipalities in the State of New Hampshire are divisions of the State, and they derive their authority from the legislature. *Dugas v. Town of Conway*, 125 N.H. 175, 181, 480 A.2d 71, 75 (1984). As recently as 1962, in addressing similar partition legislation, this court held that the traditional “plenary control by the Legislature over municipalities” included the power to create, modify, or divide them for the advancement of the public interest. *Lisbon v. Lisbon Village District*, 104 N.H. 255, 258, 183 A.2d 250, 253 (1962). From time to time, the legislature has seen fit to vest certain local options in the towns and cities of this State. Such options have run to the enactment of charters and the ordering of affairs of conducting local government. See *Laws* 1963, 275:1.

In 1966, however, partly in response to a perception that the legislature was becoming a forum for concerns better handled at the level of local government, the legislature’s plenary control over municipalities was constitutionally limited. In that year, our constitution was amended to provide that the legislature could not, by legislative action alone, amend the “charter or form of government” of a town or city and could not enact local option enabling legislation for such amendment unless subject to a referendum requirement. The amendment reads:

“No law changing the charter or form of government of a particular city or town shall be enacted by the legislature except to become effective upon the approval of the voters of such city or town upon a referendum to be provided for in said law.

The legislature may by general law authorize cities and towns to adopt or amend their charters or forms of government in any way which is not in conflict with general law, provided that such charters or amendments shall become effective only upon the approval of the voters of each such city or town on a referendum.”  
N. H. CONST. pt. I, art. 39.

This amendment to our constitution has never been interpreted as a grant to municipalities of the supreme legislative authority over all municipal affairs, even when such affairs are memorialized by charter. See *Girard v. Town of Allenstown*, 121 N.H. 268, 272, 428 A.2d 488, 491 (1981). This broader authority is exclusively vested in the legislature by part II, article 2, of our constitution. Nor does the amendment have the effect of completely insulating municipalities from legislative control. It does not render inviolate, or subject to the constitutionally prescribed referendum procedure, any matter or issue that the municipality chooses to include in its charter. Rather, what part I, article 39 does is grant municipal citizens the right to approve a proposed change to “the form of their local government as enacted in their charters.” *Seabrook Citizens v. Yankee Greyhound Racing, Inc.*, 123 N.H. 103, 108, 456 A.2d 973, 975 (1983) (emphasis added); see also *Sedgewick v. City of Dover*, 122 N.H. 193, 197, 444 A.2d 490, 492 (1982). The amendment to our constitution did not remove from the legislature its traditionally unrestricted authority over other aspects of municipal functions. *Id.* This traditional legislative authority, unaffected by the constitutional provision, includes the power to create new municipalities or to modify the bounda-

ries of existing ones in furtherance of the public interest. Although HB 762-FN includes what are in effect textual changes to the Laconia city charter, the only elements of a particular municipality's charter which are constitutionally insulated from legislative change, absent referendum, are those provisions concerned with the form of local government. The alteration of city boundaries proposed by the bill does not fall within the constitutional prohibition. Therefore, we return a negative answer to question one.

Question two inquires whether the enactment of HB 762-FN would "change the charter or form of government" of the city of Laconia because the inhabitants of the new town of Weirs Beach would become inhabitants of a town as opposed to a city. We return a negative answer. Under the proposal, Laconia will continue with its present form of government intact, and there will be no change in the form of local government as enacted in its charter. Article 39 prohibits a change to the form of government of a particular city or town. A comparison of the city charter with the proposed legislation demonstrates that the city government of the territory remaining under the jurisdiction of Laconia would remain unchanged. The constitutional prohibition only bars a legislative change of Laconia's form of government. The proposed formation of the town of Weirs Beach, separate and apart from the newly legislatively defined Laconia, does not violate article 39. Legislation does not offend article 39 when it establishes the form of government of persons living outside the territorial jurisdiction of the charter city.

As for question three, we do not consider it appropriate to speculate whether this multipart bill might give rise to any part I, article 39 issues other than those suggested by questions one and two. Opinion of the Justices, 109 N.H. 396, 399, 254 A.2d 273, 276 (1969). We therefore answer question three by stating that there are no article 39 defects apparent upon the face of the bill.

As our answers to questions one and two are in the negative, we do not address question four. The matter of whether to hold referenda remains strictly a legislative consideration. We do call attention to RSA 51:9, enacted in 1903, which contains a referendum requirement. Since this is a creature of the legislature, the legislature is in a position to determine its applicability. See Laws 1959, 408:2 (finding RSA 51:9 inapplicable to change of boundary line between Stratham and Exeter). A consistent legislative approach might specifically refer to RSA 51:9. See Laws 1959, 408:2.

Finally, in accordance with our long-standing practice, we must also respectfully decline to answer question five, whether HB 762-FN violates or conflicts with any other provisions of the New Hampshire Constitution, due to its generality. Opinion of the Justices, 131 N.H. 640, 644, 577 A.2d 273, 276 (1989).

David A. Brock, William F. Batchelder, William R. Johnson, W. Stephen Thayer, III, Sherman D. Horton, Jr.

### RESOLUTION

Its introduction having been approved by the Rules Committee,

Rep. Michael Hill offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill number 75-FN-A, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral****HB 75-FN-A**, relative to the medicaid enhancement tax.**SUSPENSION OF RULES**

Reps. Michael Hill and Chambers moved that the rules be so far suspended as to permit consideration at the present time of HB 75-FN, relative to the medicaid enhancement tax.

Reps. Michael Hill and Chambers spoke in favor.

Adopted by the necessary two-thirds.

**REGULAR CALENDAR****WAYS AND MEANS**

**HB 75-FN-A**, relative to the medicaid enhancement tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna P. Sytek for Ways and Means: This bill, as amended, raises a net \$115 million per year for the general fund by imposing a supplemental Medicaid Tax on New Hampshire hospitals based on their number of Medicaid-patient discharges. Revenue from this source is deposited in the Medicaid Enhancement Fund established under HB 1 earlier in this session. Under current federal regulation, 53 percent of the amount raised is matched by an equivalent amount of federal Medicaid dollars and is returned to the hospitals to support medical services to Medicaid and other low-income patients.

The amendment, which entirely rewrites the bill, was necessary because the basis for this tax is different from that for the enhanced Medicaid Tax enacted in June. The Committee believes the new Chapter 84-B meets the requirements of both our State Constitution, and equally importantly, the Federal Medicaid Program. Vote 17-2.

4180L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to a supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose and Findings. The general court determines that medicaid patient discharges, as defined in section 2 of this act, are an appropriate subject for the purpose of the special tax imposed by this act, because they provide a fair base for measuring the contribution of eligible health care providers to the special programs authorized by this act.

2 New Chapter: Supplemental Medicaid Tax. Amend RSA by inserting after chapter 84-A the following new chapter:

**CHAPTER 84-B****SUPPLEMENTAL MEDICAID TAX**

84-B:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of revenue administration.

II. "Hospital" means general hospitals and special hospitals for rehabilitation required to be licensed under RSA 151 and receiving medicaid diagnosis related group (DRG) payments, but not including government facilities.



III. "Medicaid patient discharge" means the termination of medical care, funded in whole or in part by medicaid, and physical release of a patient from a hospital.

IV. "Supplemental medicaid tax" means the tax imposed upon medicaid patient discharges pursuant to this chapter.

V. "Taxable period" means a 12-month period beginning July 1 and ending June 30.

84-B:2 Imposition of Tax. A tax is imposed on each hospital's medicaid patient discharges in the amount of \$250,000,000 divided by the total number of medicaid patient discharges of all hospitals during each hospital's fiscal year ending during the first full calendar year preceding the taxable period, times the number of medicaid patient discharges of each hospital for the same period.

84-B:3 Tax Due.

I. For the taxable period ending June 30, 1992, each hospital shall pay 100 percent of its supplemental medicaid tax due and payable for the taxable period on or before 30 days from the effective date of this chapter. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the end of the month within which the payment is due.

II. For the taxable period beginning July 1, 1992, and ending June 30, 1993, and for every taxable period thereafter, each hospital shall pay 100 percent of its supplemental medicaid tax due and payable for the taxable period on the fifteenth day of the third month of the taxable period.

III. If the return required by RSA 84-B:4 shows an additional amount of tax to be due, such additional amount is due and payable at the time the return is due.

84-B:4 Returns. Every hospital shall on or before the tenth day of the month following the expiration of the taxable period make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of medicaid patient discharges and the tax assessed upon such amount. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury. If such return shows an overpayment of the tax due, the commissioner shall refund or credit the overpayment to the hospital in accordance with RSA 21-J:28-a.

84-B:5 Method of Payment and Deposit of Tax.

I. The payments required by RSA 84-B:3, I and II shall be made by electronic transfer of moneys to the state treasurer and deposited to the medicaid enhancement fund established by RSA 167:64.

II. The state treasurer is authorized to establish an account or accounts and to take all steps necessary to facilitate the electronic transfer of moneys required in paragraph I. The state treasurer shall provide the commissioner a record of any moneys so transferred and deposited.

84-B:6 Additional Returns. When the commissioner has reason to believe that a hospital has failed to file a return or to include any part of its medicaid patient discharges in a filed return, the commissioner may require the hospital to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the hospital of any penalty for failure to make a correct original

return or relieve it from liability for interest imposed under RSA 21-J:28 or any other additional charges imposed by the commissioner. This section shall not be construed to modify the statute of limitations provided in RSA 21-J:29.

84-B:7 Extension of Time for Returns. For good cause, the commissioner may extend the time within which a hospital is required to file a return, and if such return is filed during the period of extension no penalty or late filing charge may be imposed for failure to file the return at the time required by this chapter, but the hospital shall be liable for interest and late payment charges as prescribed in RSA 21-J:28 or 33. Failure to file the return during the period of the extension shall void the extension.

84-B:8 Taxpayer Records.

I. Every hospital shall:

(a) Keep such records as may be necessary to determine the amount of its liability under this chapter.

(b) Preserve such records for the period of 3 years or until any litigation or prosecution hereunder is finally determined.

(c) Make such records available for inspection by the commissioner or his authorized agents, upon demand, at reasonable times during regular business hours.

II. Whoever violates the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

84-B:9 Administration.

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The administration of the supplemental medicaid tax; and

(b) The recovery of any tax, interest on tax, or penalties imposed by this chapter or by RSA 21-J.

II. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax or penalties imposed by this chapter or by RSA 21-J.

III. In the collection of any overdue tax, penalties or interest imposed by this chapter or by RSA 21-J, the commissioner may use all of the powers granted to tax collectors under RSA 21-J and RSA 80 for the collection of taxes.

84-B:10 Confidentiality of Records. Notwithstanding the provisions of RSA 21-J:14, the commissioner shall not be prohibited from providing tax information to the commissioner of health and human services with respect to the tax imposed by this chapter, provided that the commissioner of health and human services and his agents and employees shall be subject to the provisions of RSA 21-J:14 with respect to any tax information provided by the commissioner.

84-B:11 Protection of Tax Exemption. Nothing in this chapter shall be construed to limit or impair the availability of tax exemptions currently provided under RSA 72:23.

84-B:12 Automatic Rescission Provision. In the event that federal matching funds for the payments authorized under RSA 167:64, I are no longer available to the state, the tax imposed by RSA 84-B shall be rescinded at the end of the taxable period in which an amount equal to all payments made under RSA 167:64, I are recovered.

3 Tax Due. RSA 84-A:3, II is repealed and reenacted to read as follows:

II. For the taxable period beginning July 1, 1991, and ending June 30, 1992, and for every taxable period thereafter, each hospital shall pay 100 percent of its medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of the sixth month of the taxable period. Notwithstanding any provision of this chapter

or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

4 Application of Penalty for Failure to File Return. Amend RSA 21-J:31 to read as follows:

21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or \$10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-A:9, RSA 83-C:6, [or] RSA 84-A:[8]7, *or RSA 84-B:7*, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.

5 Application of Substantial Underpayment Penalty. Amend RSA 21-J:33-a, I to read as follows:

I. If there is a substantial understatement of tax imposed under RSA 77, RSA 77-A, RSA 78-A, RSA 78-C, RSA 82-A, RSA 83-C, [or] RSA 84-A, *or RSA 84-B*, for any taxable period, there shall be added to the tax an amount equal to 25 percent of the amount of any underpayment attributable to such understatement.

6 Reference; Medicaid Enhancement Fund. Amend the introductory paragraph of RSA 167:64, I to read as follows:

I. There is hereby established in the state treasury a medicaid enhancement fund which shall consist of the moneys collected pursuant to RSA 84-A *and RSA 84-B*. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner is authorized to expend these funds, together with matching federal funds, as follows:

7 Reference to Taxes. Amend RSA 167:64, I(c) to read as follows:

(c) One percent of the [moneys] *taxes collected pursuant to RSA 84-A and 84-B* paid into the fund shall be placed in a separate PAU reserved for the expenses of the department in administering this subdivision.

8 Reference; Medicaid Enhancement Reimbursement System; Duties. Amend RSA 167:65, III to read as follows:

III. Ensure that each hospital receives no less than 100 percent of the tax imposed by RSA 84-A *and RSA 84-B*.

9 Emergency Rulemaking Authorized. Notwithstanding RSA 541-A, the commissioner of revenue administration, the commissioner of health and human services, and the state treasurer shall adopt emergency rules under RSA 541-A:3-g implementing the provisions of sections 1-6 of this act relating to the administration and collection of the supplemental medicaid tax and the protection and distribution of the medicaid enhancement fund as soon as possible.

10 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a supplemental medicaid tax on medicaid patient discharges of hospitals. The proceeds are to be deposited into the medicaid enhancement fund which is continually appropriated to the department of health and human services for the purposes of RSA 167:63-65.

The bill also changes the payment schedule for the medicaid enhancement tax.

Reps. Donna Sytek, David Young and Chambers spoke in favor.

Reps. Haettenschwiller, Depecol, Domaingue and LaMar spoke against.

Reps. Hayes, Jacobson and Douglas spoke in favor and yielded to questions.

Rep. Frances Riley spoke against and yielded to questions.

Rep. Paul White spoke to the bill.

**(Rep. Michael Hill in the Chair)**

Roll call request sufficiently seconded.

The question being the adoption of the committee amendment.

**YEAS 283****NAYS 42****YEAS 283****BELKNAP**

Bartlett, Gordon E.  
Golden, Paul A.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.  
Ziegra, Alice S.

Cain, Thomas G.  
Hawkins, Robert S.  
Joscelyn, William W.  
Rosen, Ralph J.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Salatiello, Thomas B.  
Vogler, Charles C.

**CARROLL**

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Bradley, Jeb E.  
Foster, Robert W.  
Wiggin, Gordon E.

Chandler, Gene G.  
Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Feuer, Joseph N.  
Hogan, James B.  
Metzger, Katherine H.  
Pratt, Irene A.

Champagne, Richard L.  
Crutchley, Donald O.  
Foster, Katherine D.  
Kennison, Wayne A.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Clark, Eugene W.  
Doucette, Richard F.  
Grodin, Richard A.  
Laurent, John J.  
Perry, David M.  
Young, David A.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Marsh, Beaton  
Pratt, Leighton C.

Burns, Harold W.  
Hawkinson, Marie C.  
Mayhew, Josephine

Coulombe, Henry W.  
Horton, Lynn C.  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Shackett, Ralph E.  
Trelfa, Richard T.

Arnesen, Deborah L.  
Brown, Patricia B.  
Driscoll, William J.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Stewart, Roger D.  
Wadsworth, Karen O.

Bean, Pamela B.  
Chambers, Mary P.  
Hill, Richard L.  
Markley, J. Keith  
Scanlan, David M.  
Teschner, Douglass P.



**HILLSBOROUGH**

|                       |                       |                          |
|-----------------------|-----------------------|--------------------------|
| Ackerman, Philip M.   | Ahrens, Frederick G.  | Alukonis, David J.       |
| Amidon, Eleanor H.    | Andrews, Frederick B. | Arnold, Barbara E.       |
| Baker, George H., Sr. | Baldizar, Barbara J.  | Baroody, Benjamin C.     |
| Bourque, Ann J.       | Bowers, Dorothy C.    | Burke, Stephen J.        |
| Calawa, Leon, Jr.     | Chasse, Richard D.    | Cote, David E.           |
| Cowenhoven, Garret P. | Crotty, Edward J.     | Desrosiers, William J.   |
| Dodge, Emma M.        | Donovan, Francis X.   | Drolet, Paul L.          |
| Durham, Susan B.      | Dwyer, Patricia R.    | Elliott, Larry G.        |
| Fenton, James J.      | Ferlan, Arthur P.     | Fields, Dennis H.        |
| Ford, Nancy M.        | Gage, Ruth E.         | Goulet, Maurice E.       |
| Green, Scott E.       | Greenglass, Alan B.   | Gureckis, Adam C., Sr.   |
| Hanselman, Gregory L. | Healy, Daniel J.      | Healy, Walter F.         |
| Holden, Carol H.      | Janas, Gregory        | Jasper, Shawn N.         |
| Keane, Cornelius J.   | Kelley, Dana F.       | Kelley, Robert N.        |
| King, Frank P.        | L'Heureux, Robert J.  | Lachut, Ervin R.         |
| Larochelle, Roger B.  | Laughlin, J. Francis  | Lawrence, Eva M.         |
| Leclerc, Charles J.   | Lefebvre, Roland J.   | Lown, Elizabeth D.       |
| Martin, Mary Ellen    | Mason, Howard F.      | McCann, Bonnie Lou       |
| McDowell, James E.    | McNerney, Daniel P.   | McRae, Karen K.          |
| Mercer, Robert S.     | Messier, Irene M.     | Moore, Elizabeth A.      |
| Murphy, Robert E.     | Nardi, Theodora P.    | O'Rourke, Joanne A.      |
| Packard, Bonnie B.    | Paquette, Rodolphe G. | Pepino, Leo P.           |
| Peters, Stanley W.    | Pignatelli, Debora B. | Record, Alice B.         |
| Reidy, Frank J.       | Rheault, Lillian I.   | Robinson, Ellen-Ann      |
| Rodgers, G. Philip    | Sallada, Roland A.    | Searles, Stanley N., Sr. |
| Smith, Leonard A.     | Soucy, Donna M.       | Steiner, Lee Anne        |
| Tate, Joan C.         | Turgeon, Roland M.    | Upton, Barbara A.        |
| Wheeler, Robert L.    | White, John M.        |                          |

**MERRIMACK**

|                       |                     |                      |
|-----------------------|---------------------|----------------------|
| Anderson, Eleanor M.  | Apple, Lowell D.    | Asplund, Bronwyn L.  |
| Barberia, Richard A.  | Boucher, Laurent J. | Braiterman, Thea     |
| Chandler, Earle W.    | Chandler, John P.   | Christie, Thomas J.  |
| Daneault, Gabriel J.  | Dunn, Miriam D.     | Feuerstein, Martin   |
| Fillion, Paul R.      | Hager, Elizabeth S. | Hall, Douglas E.     |
| Hayes, Robert C.      | Jacobson, Alf E.    | Jelley, Francis D.   |
| Johnson, C. William   | Johnson, Joyce M.   | Kidder, William F.   |
| Letourneau, George E. | Lewis, Mary Ann     | Lockwood, Robert A.  |
| Molner, Mary E.       | Nichols, Avis B.    | Smith, Gerald R.     |
| Soldati, Jennifer G.  | Stapleton, Henry F. | Stio, Peter M.       |
| Trombly, Rick A.      | Wallner, Mary Jane  | Whittemore, James A. |

**ROCKINGHAM**

|                       |                        |                        |
|-----------------------|------------------------|------------------------|
| Barnes, John S., Jr.  | Benton, Richardson D.  | Boucher, William P.    |
| Buco, Stephen W.      | Campbell, Marilyn R.   | Caswell, Albert, Jr.   |
| Christie, Andrew, Jr. | Chulack, Peter G., Sr. | Clark, Martha Fuller   |
| Connell, David R.     | Cote, Patricia L.      | DiPietro, Carmela M.   |
| Dowd, Sandra K.       | Drake, Herbert R.      | Flanagan, Natalie S.   |
| Flanders, David A.    | Flanders, Harry E.     | Flanders, John W., Sr. |

Ford, Bert H.  
 Griebisch, Linda  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Raynowska, Bernard J.  
 Schmidtchen, Rowland H.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Vaughn, Charles L.

Gage, Beverly A.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Pantelakos, Laura C.  
 Rosencrantz, James R.  
 Senter, Marilyn P.  
 Syracuse, Anthony  
 Thayer, Leroy C.  
 Warburton, Calvin

Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McCain, William F.  
 Melnick, Roy E.  
 Parr, Ednaparl F.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Woods, Deborah L.

### STRAFFORD

Appleby, James E.  
 Corte, Arthur B.  
 Foss, Patricia H.  
 Keans, Sandra B.  
 Martling, W. Kent  
 Musler, George T.  
 Parks, Joe B.  
 Torr, Ann M.  
 Wall, Janet G.

Bickford, Drucilla  
 Douglass, Clyde J.  
 Hashem, Elaine M.  
 Kincaid, William K.  
 McCann, William H., Jr.  
 Nehring, William H.  
 Pelley, Janet R.  
 Tsiros, William  
 Young, John B.

Brown, Julie M.  
 Flynn, Edward J.  
 Jankowski, Peter M.  
 Kinney, Paula J.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Sullivan, Henry P.  
 Vincent, Francis C.

### SULLIVAN

Allison, David C.  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Porter, Robert H.  
 Stamatakis, Carol M.

Burling, Peter Hoe  
 Middleton, John A.  
 Rodeschin, Beverly T.  
 Walsh, Robert R.

### NAYS 42

### BELKNAP

Accornero, Harry

Zaharchuk, Peter J., Jr.

### CARROLL

Daly, Robert J., Jr.

### CHESHIRE

DePecol, Benjamin J.  
 Riley, William A.

Kingsbury, H. Thayer

LaMar, David M.

### COOS

None

### GRAFTON

Dow, David  
 White, Paul R.

Guest, Robert H.

McIlwaine, Deborah P.

**HILLSBOROUGH**

|                         |                     |                            |
|-------------------------|---------------------|----------------------------|
| Buckley, Raymond        | Carpenter, Karen A. | Clemons, Jane A.           |
| Cook, Valerie S.        | Daniels, Gary L.    | Desrochers, Gerard T.      |
| Domaingue, Jacquelyn M. | Ferguson, Charles   | Haettenschwiller, Alphonse |
| Hall, Betty B.          | Jean, Romeo W.      | Kurk, Neal M.              |
| Lawrence, Norman B.     | Lozeau, Donnalee M. | Ouellette, Robert O.       |
| Riley, Frances L.       | Rothhaus, Finlay C. | Stiles, Walter A.          |
| Wheeler, David K.       | Wright, George W.   |                            |

**MERRIMACK**

|              |                    |
|--------------|--------------------|
| Teague, Bert | Yeaton, Charles B. |
|--------------|--------------------|

**ROCKINGHAM**

|                     |                      |                  |
|---------------------|----------------------|------------------|
| Hurst, Sharleene P. | McGovern, Cynthia A. | Rubin, George R. |
| Smith, Arthur W.    | Welch, David A.      |                  |

**STRAFFORD**

|                       |                       |                    |
|-----------------------|-----------------------|--------------------|
| Gilmore, Gary R.      | Hambrick, Patricia A. | Marston, Robert E. |
| Wheeler, Katherine W. |                       |                    |

**SULLIVAN**

None

and the amendment was adopted.

Reps. Lionel Johnson and O'Brien notified the Clerk that they wished to be recorded in favor of the amendment.

The report was adopted.

**SUSPENSION OF RULES**

Reps. Burns and Chambers moved that the rules be so far suspended as to place **HB 75-FN-A** on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

**Third reading and final passage**

**HB 75-FN-A**, relative to supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund.

(Speaker in the Chair)

RECESS

**RESOLUTION**

Its introduction having been approved by the Rules Committee,

Reps. Michael Hill and Chambers offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Joint Resolution number 5, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HJR****First, second reading and referral**

**HJR 5**, urging Congress to place a moratorium on changes in the current medicaid regulations to insure that New Hampshire's medicaid enhancement tax is fully funded for fiscal years 1992 and 1993.

**SUSPENSION OF RULES**

Reps. Michael Hill and Chambers moved that the rules be so far suspended as to permit consideration at the present time of **HJR 5**

Rep. Chambers spoke in favor.

Adopted by the necessary two-thirds.

**HJR 5**, urging Congress to place a moratorium on changes in the current medicaid regulations to ensure that New Hampshire's medicaid enhancement fund is fully funded for fiscal years 1992 and 1993.

Whereas, in order to avoid disruptions of state budgets, the current treatment under the medicaid program of provider-specific taxes should be maintained; and

Whereas, New Hampshire opposes the issuance by the Secretary of Health and Human Services of new regulations that would restrict the ability of states to use provider-specific taxes as a source of a state's share of federal financial participation under the medicaid program; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court of New Hampshire hereby urges Congress to place a moratorium on changes in the current medicaid regulations to ensure that New Hampshire's medicaid enhancement fund is fully funded for fiscal year 1992 and fiscal year 1993; and

That copies of this resolution be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation.

Reps. Chambers and Donna Sytek spoke in favor.

Roll call request sufficiently seconded.

The question being the adoption of HJR 5.

**YEAS 215****NAYS 56****YEAS 215  
BELKNAP**

Bartlett, Gordon E.  
Hawkins, Robert S.  
Maviglio, Steven R.  
Turner, Robert H.

Cain, Thomas G.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Ziegra, Alice S.

Golden, Paul A.  
Johnson, Carl R.  
Shibley, Arnold P.

**CARROLL**

Beach, Mildred A.  
Foster, Robert W.

Chandler, Gene G.  
Saunders, Howard N.

Dickinson, Howard C.  
Wiggin, Gordon E.

**CHESHIRE**

Champagne, Richard L.  
Doucette, Richard F.  
Grodin, Richard A.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Clark, Eugene W.  
Feuer, Joseph N.  
Hogan, James B.  
Perry, David M.

Crutchley, Donald O.  
Foster, Katherine D.  
Metzger, Katherine H.  
Pratt, Irene A.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Mayhew, Josephine

Coulombe, Henry W.  
Horton, Lynn C.  
Oliver, Terry D.

Guay, Lawrence J.  
Marsh, Beaton  
Pratt, Leighton C.



**GRAFTON**

|                      |                       |                        |
|----------------------|-----------------------|------------------------|
| Adams, Carl S.       | Bean, Pamela B.       | Brown, Channing T.     |
| Brown, Patricia B.   | Chambers, Mary P.     | Christy, C. Dana       |
| Driscoll, William J. | Hill, Richard L.      | LaMott, Paul I.        |
| Lougee, Richard W.   | Markley, J. Keith     | Nielsen, Niels F., Jr. |
| Nordgren, Sharon L.  | Scanlan, David M.     | Shackett, Ralph E.     |
| Stewart, Roger D.    | Teschner, Douglass P. | Wadsworth, Karen O.    |

**HILLSBOROUGH**

|                       |                       |                          |
|-----------------------|-----------------------|--------------------------|
| Ackerman, Philip M.   | Ahrens, Frederick G.  | Alukonis, David J.       |
| Amidon, Eleanor H.    | Andrews, Frederick B. | Arnold, Barbara E.       |
| Baker, George H., Sr. | Baldizar, Barbara J.  | Barody, Benjamin C.      |
| Bowers, Dorothy C.    | Burke, Stephen J.     | Calawa, Leon, Jr.        |
| Chasse, Richard D.    | Cote, David E.        | Cowenhoven, Garret P.    |
| Donovan, Francis X.   | Durham, Susan B.      | Fenton, James J.         |
| Ferlan, Arthur P.     | Fields, Dennis H.     | Gage, Ruth E.            |
| Green, Scott E.       | Greenglass, Alan B.   | Gureckis, Adam C., Sr.   |
| Healy, Daniel J.      | Holden, Carol H.      | Janas, Gregory           |
| Jean, Romeo W.        | Johnson, Lionel W.    | Keane, Cornelius J.      |
| King, Frank P.        | L'Heureux, Robert J.  | Lachut, Ervin R.         |
| Larochelle, Roger B.  | Laughlin, J. Francis  | Lawrence, Eva M.         |
| Lefebvre, Roland J.   | Lown, Elizabeth D.    | Martin, Mary Ellen       |
| Mason, Howard F.      | McCann, Bonnie Lou    | McDowell, James E.       |
| McNerney, Daniel P.   | McRae, Karen K.       | Messier, Irene M.        |
| Moore, Elizabeth A.   | Murphy, Robert E.     | Nardi, Theodora P.       |
| O'Rourke, Joanne A.   | Packard, Bonnie B.    | Paquette, Rodolphe G.    |
| Pepino, Leo P.        | Record, Alice B.      | Rheault, Lillian I.      |
| Robinson, Ellen-Ann   | Rodgers, G. Philip    | Searles, Stanley N., Sr. |
| Smith, Leonard A.     | Soucy, Donna M.       | Turgeon, Roland M.       |
| Upton, Barbara A.     | White, John M.        |                          |

**MERRIMACK**

|                      |                       |                     |
|----------------------|-----------------------|---------------------|
| Anderson, Eleanor M. | Apple, Lowell D.      | Asplund, Bronwyn L. |
| Barberia, Richard A. | Boucher, Laurent J.   | Chandler, Earle W.  |
| Christie, Thomas J.  | Daneault, Gabriel J.  | Feuerstein, Martin  |
| Fillion, Paul R.     | Hager, Elizabeth S.   | Hayes, Robert C.    |
| Hill, Michael J.     | Holmes, Mary C.       | Johnson, C. William |
| Kidder, William F.   | Letourneau, George E. | Lewis, Mary Ann     |
| Lockwood, Robert A.  | Nichols, Avis B.      | Smith, Gerald R.    |
| Soldati, Jennifer G. | Stapleton, Henry F.   | Stio, Peter M.      |
| Trombly, Rick A.     | Whittemore, James A.  |                     |

**ROCKINGHAM**

|                         |                        |                        |
|-------------------------|------------------------|------------------------|
| Barnes, John S., Jr.    | Benton, Richardson D.  | Boucher, William P.    |
| Buco, Stephen W.        | Campbell, Marilyn R.   | Chulack, Peter G., Sr. |
| Clark, Martha Fuller    | Cote, Patricia L.      | DiPietro, Carmela M.   |
| Dowd, Sandra K.         | Flanagan, Natalie S.   | Flanders, Harry E.     |
| Flanders, John W., Sr.  | Ford, Bert H.          | Greene, Elizabeth A.   |
| Hoar, John, Jr.         | Hoelzel, Kathleen M.   | Hurst, Sharleene P.    |
| Johnson, Robert A.      | Katsakiores, George N. | Katsakiores, Phyllis   |
| Klemarczyk, Thaddeus E. | Klemm, Arthur P., Jr.  | Magoon, Harold F.      |

McCarthy, John J., Jr.  
Parr, Ednapearl F.  
Schanda, Joseph. Sr.  
Simon, Peter M.  
Sytek, Donna P.  
Tufts, Arthur  
Woods, Deborah L.

Melnick, Roy E.  
Raynowska, Bernard J.  
Schmidtchen, Rowland H.  
Skinner, Patricia M.  
Sytek, John J.  
Vaughn, Charles L.

Packard, Sherman A.  
Rosencrantz, James R.  
Senter, Marilyn P.  
Syracusa, Anthony  
Thayer, Leroy C.  
Warburton, Calvin

### STRAFFORD

Douglass, Clyde J.  
Keans, Sandra B.  
Martling, W. Kent  
Pageotte, Donald P.  
Sullivan, Henry P.  
Vincent, Francis C.

Flynn, Edward J.  
Kincaid, William K.  
McCann, William H., Jr.  
Parks, Joe B.  
Torr, Ann M.  
Wall, Janet G.

Jankowski, Peter M.  
Kinney, Paula J.  
Nehring, William H.  
Pelley, Janet R.  
Tsiros, William  
Young, John B.

### SULLIVAN

Allison, David C.  
Lindblade, Eric N.  
Rodeschin, Beverly T.

Behrens, Thomas A.  
Middleton, John A.  
Schotanus, Merle W.

Burling, Peter Hoe  
Porter, Robert H.  
Walsh, Robert R.

### NAYS 56

### BELKNAP

Accornero, Harry  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Zaharchuk, Peter J., Jr.

Rice, Thomas E. P., Jr.

### CARROLL

Daly, Robert J., Jr.

Jean, Robert R.

### CHESHIRE

Burnham, Daniel M.  
Laurent, John J.

Kingsbury, H. Thayer  
Riley, William A.

LaMar, David M.  
Young, David A.

### COOS

None

### GRAFTON

McIlwaine, Deborah P.

White, Paul R.

### HILLSBOROUGH

Buckley, Raymond  
Cook, Valerie S.  
Domaingue, Jacquelyn M.  
Haettenschwiller, Alphonse  
Lawrence, Norman B.  
Ouellette, Robert O.  
Sallada, Roland A.

Carpenter, Karen A.  
Daniels, Gary L.  
Drolet, Paul L.  
Jasper, Shawn N.  
Lozeau, Donnalee M.  
Peters, Stanley W.  
Stiles, Walter A.

Clemons, Jane A.  
Desrochers, Gerard T.  
Ferguson, Charles  
Kurk, Neal M.  
Mercer, Robert S.  
Rothhaus, Finlay C.  
Wheeler, David K.

### MERRIMACK

Chandler, John P.  
Teague, Bert

Dunn, Miriam D.  
Yeaton, Charles B.

Hall, Douglas E.

### ROCKINGHAM

Christie, Andrew, Jr.  
McCain, William F.  
Welch, David A.

Flanders, David A.  
Rubin, George R.

Malcolm, Kenneth W.  
Smith, Arthur W.

**STRAFFORD**

Corte, Arthur B.  
Hashem, Elaine M.  
Wheeler, Katherine W.

Gilmore, Gary R.  
Marston, Robert E.

Hambrick, Patricia A.  
O'Brien, John

**SULLIVAN**

Peyron, Fredrik

and the resolution was adopted.

Rep. Trelfa notified the Clerk that he wished to be recorded in favor of HJR 5.

**RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

**LATE SESSION****Third reading and final passage**

**HJR 5**, urging Congress to place a moratorium on changes in the current medicaid regulations to insure that New Hampshire's medicaid enhancement tax is fully funded for fiscal years 1992 and 1993.

**SENATE MESSAGE****CONCURRENCE**

**HB 75-FN-A**, relative to a supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund.

Rep. Ann Torr moved that the House stand in recess for the purpose of enrolled bills amendments and enrolling reports only.

Adopted.

The House recessed at 3:00 p.m.

**RECESS****ENROLLED BILLS REPORT**

**HB 75-FN-A**, relative to a supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund.

Rep. Marsh, Sen. Currier for the Committee

**RECESS**

Rep. Michael Hill moved that the House adjourn.

Adopted.

**BILLS RE-REFERRED TO COMMITTEE BY HOUSE**

**HB 24-FN**, prohibiting departments from mandating by rule programs or responsibilities to political subdivisions without full funding.

**HB 55-FN**, establishing the New Hampshire countryside fund and making an appropriation therefor.

**HB 61-FN**, relative to the distribution of moneys received as a result of the commission of a crime.

**HB 155**, relative to notice to tenants of manufactured housing park foreclosure.

**HB 164-FN**, establishing an unclassified attorney position within the department of corrections.

**HB 182-FN**, authorizing the interception of wire or oral communications regarding securities crimes.

**HB 201**, relative to the authority of the pharmacy board to seize evidence.

**HB 206**, relative to OHRV noise levels.

**HB 214-FN-A**, creating a new class of highways for access to public waters and making an appropriation therefor.

**HB 228-FN-A**, relative to augmentative communication devices and making an appropriation therefor.

**HB 261-FN**, relative to delays in processing applications for state public assistance.

**HB 263-FN**, establishing a fee structure for used oil marketers.

**HB 264-FN-A**, creating a nonlapsing, continually appropriated hazardous waste fund to be used for processing hazardous waste transporter permit applications and for monitoring compliance.

**HB 265-FN-A**, using revenues from a solid waste cleanup fund to fund departmental positions and to pay certain cleanup costs and continually appropriating the fund to the division of waste management.

**HB 277-FN**, requiring licensure of out-of-state mail order pharmacies.

**HB 280-FN**, relative to motor vehicle emissions control requirements for carbon monoxide and hydrocarbons.

**HB 281-FN-A**, establishing a fund for interpreter services for the hearing impaired and making an appropriation therefor.

**HB 285-A**, relative to constructing regional vocational centers and making an appropriation therefor.

**HB 296-FN-A**, establishing a state emergency response commission and making an appropriation therefor.

**HB 297-FN-A**, authorizing the racing commission to license electronic games of chance wherever licensed pari-mutuel wagering takes place.

**HB 300-FN**, relative to bingo and lucky 7 license application fees.

**HB 303**, relative to instructions to voters on ballots.

**HB 316-FN**, relative to publication of notice requirements in situations in which property escheats to the state.



**HB 317-FN**, relative to a minimum service retirement allowance for group II members.

**HB 321-FN**, relative to health insurance reform.

**HB 326-FN**, relative to disciplinary hearings before the pharmacy board.

**HB 337-FN**, relative to drug and alcohol testing in the workplace.

**HB 338-FN**, prohibiting the detention of minors in adult correctional facilities and jails.

**HB 343-FN**, imposing a fine for failure to file reports and statements under the political expenditures and contributions law.

**HB 344-FN**, relative to eligibility for admission to the New Hampshire bar.

**HB 357-FN**, establishing a fee for administering the state water pollution control revolving loan fund.

**HB 360-FN**, relative to calculating income for purposes of elderly property tax exemptions.

**HB 366-FN-A**, establishing an office of information technology management and making an appropriation therefor.

**HB 367-FN**, relative to the profession of engineering.

**HB 379-FN**, relative to advertising devices within highway rights-of-way.

**HB 380-FN**, relative to sheltered care facilities.

**HB 404-FN**, relative to certification of wetland scientists.

**HB 410-FN**, relative to certification as an habitual offender for DWI-related convictions.

**HB 411**, relative to discrimination in the issuance of health insurance policies.

**HB 422-FN**, relative to surplus campaign funds.

**HB 423-FN-A**, making an appropriation for health services for young children.

**HB 425**, enabling the state and counties to contract with private entities to manage and operate state and county correctional facilities.

**HB 435-FN**, permitting adjustments in legislative mileage resulting from changes in the price of gasoline.

**HB 439**, relative to employee cooperative corporations.

**HB 446**, relative to the board of registration in medicine.

**HB 449-FN**, to double the net income requirements under the optional adjusted elderly property tax exemption.

**HB 469-A**, relative to improvements on route 106 and making an appropriation therefor.

**HB 470**, relative to health maintenance organizations.

**HB 474-FN**, prohibiting bear dog training.

**HB 476-FN-A**, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor.

**HB 477-FN**, relative to agency authority to make rules and impose administrative fines.

**HB 479-FN-A**, increasing the personal needs allowance of nursing home residents and making an appropriation therefor.

**HB 497-FN-A**, relative to an equipment challenge grant program for vocational and technical education programs and making an appropriation therefor.

**HB 501-FN**, relative to electric utility conservation measures.

**HB 503**, relative to recovery of medical assistance payments.

**HB 504-FN**, relative to utilization review programs.

**HB 505-FN**, relative to the distribution of the normal yield tax.

**HB 506-FN**, relative to cost-of-living increases in the AFDC standard of need.

**HB 510-FN**, relative to the energy conservation construction code.

**HB 518-FN**, relative to motor vehicle and boat registration revocations for court defaults and relative to the payment of court obligations.

**HB 524-FN**, to allow municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption.

**HB 526-FN**, authorizing sentencing to extended terms of imprisonment by district court justices.

**HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor.

**HB 534-FN**, amending the habitual offender penalties to provide for special alternative incarceration.

**HB 540-FN**, to tax certain faculty quarters located at private educational institutions.

**HB 545**, reapportioning the executive council districts.

**HB 554-FN**, permitting the Wolfeboro district court and the Ossipee district court to hold sessions in the same location.

**HB 557-FN**, relative to the BOCA code.

**HB 562**, extending the surgical authority of podiatrists.

**HB 564-FN**, enabling towns and cities to establish heritage commissions.

**HB 569**, to reapportion county commissioner districts.

**HB 582-FN**, relative to ozone-depleting compounds.

**HB 584-FN**, relative to mandatory automobile insurance.

**HB 585-FN**, recodifying the laws relative to emergency medical services.

**HB 590-FN**, relative to employee leaves of absence for family and catastrophic medical purposes.

**HB 591**, reapportioning the state house of representatives districts.

**HB 599-FN**, relative to the storage and disposal of low-level radioactive waste.

**HB 601-FN-A**, new title: establishing a public access advisory board and a state-wide public boat access program on public waters and continually appropriating a special fund for the purposes of the program.

**HB 602-FN-A**, reinstating the dental program for children and making an appropriation therefor.

**HB 614-FN-A**, relative to restoring the sunset process and making an appropriation therefor.

**HB 615-FN**, relative to sand and gravel.

**HB 616-FN**, relative to discrimination in insurance policies.

**HB 623-FN**, relative to contracts negotiated by public employers.

**HB 632-FN**, relative to special education.

**HB 639-FN**, establishing reuse and same use beverage container requirements.

**HB 642-FN**, relative to the regulation of cable television.

**HB 646-FN**, relative to the disposal of certain solid waste products and leaf and yard waste.

**HB 651-FN**, establishing a hazardous materials cleanup fund.

**HB 654-FN**, establishing an ethics committee to regulate public officials.

**HB 663-FN-A**, establishing a pilot project in the Sullivan county superior court to train volunteer attorneys to serve as mediators and making an appropriation therefor.

**HB 675-FN**, relative to DWI penalties while operating a motor vehicle, OHRV, or boat or while transporting a child.

**HB 677-FN**, establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases.

**HB 679-FN**, relative to New Hampshire compliance with the Clean Air Act.

**HB 681-FN**, relative to a private property protection act.

**HB 686-FN-A**, establishing a trauma care registry and making an appropriation therefor.

**HB 687-FN**, relative to medicare balance charges.

**HB 689-FN**, relative to administrative motor vehicle license revocation.

**HB 693-FN**, relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses.

**HB 695-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks.

**HB 697-FN**, relative to compliance with local codes and zoning ordinances and the operation of child day care agencies.

**HB 698-FN**, relative to debt collection agencies and consumer credit reporting agencies.

**HB 699-FN**, relative to solid waste reduction.

**HB 712-FN**, relative to access to health care for the uninsured.

**HB 714-FN**, relative to life saving identification labels.

**HB 716-FN**, relative to site assessment studies of developed properties with sewage disposal systems.

**HB 718-FN**, relative to improving access to health insurance coverage for employees of small and moderate sized businesses.

**HB 726-FN-A**, relative to vital records and continually appropriating a fund for records automation.

**HB 730-FN**, imposing a fee on all motor vehicles and granting certain rulemaking authority to the division of air resources.

**HB 740-FN**, relative to campaign expenditures.

**HB 744-FN**, relative to restricting all town and district regular business meetings and elections from being held on biennial election day.

**HB 747-FN**, relative to liquor stores.

**HB 758-FN**, relative to the right to privacy act.

**HB 762-FN**, to incorporate the inhabitants of the northeasterly part of Laconia into a separate town to be known as Weirs Beach, with all the privileges and immunities of other towns in this state.

**HB 763-FN-A**, to fund state aid to education, to provide for property tax relief for cities and towns and individuals, to amend the state tax structure, and making an appropriation therefor.

**HB 772-FN**, exempting land at aeronautical facilities from taxation.

**HB 775-FN**, relative to social security cost-of-living increases to certain recipients of assistance.

**HB 776-FN**, establishing a household hazardous waste management program and advisory committee and a consumer education program on household hazardous wastes.

**HB 778-FN**, relative to the laws against discrimination.

**HB 781-FN**, relative to extending foster care and establishing a uniform cut-off date for school children.

**HB 783**, relative to prior DWI convictions.

**SB 16-FN**, relative to the board of dental examiners.

**SB 18-FN-A**, relative to the conservation corps program and making an appropriation therefor.

**SB 21**, establishing a commission to study and recommend the elimination of state-mandated programs.

**SB 27-FN**, relative to extended terms of imprisonment for assault crimes where the victim is a law enforcement officer.

**SB 60-A**, creating a task force to study the Laconia-I-93 connector highway.

**SB 62-FN**, relative to licensure of athletic trainers.

**SB 76**, relative to the age requirement for retirement communities.

**SB 81**, relative to damages for wrongful death.

**SB 107**, relative to tenants' security deposits.

**SB 120-FN-A**, establishing a sunset committee and restoring the sunset review process and making an appropriation therefor.

**SB 154-FN**, relative to the jurisdiction of state police employees.



**SB 156-FN-A**, establishing a committee to study the SAU structure within the state of New Hampshire and making an appropriation therefor.

**SB 159-FN**, relative to posting of public documents in licensed health facilities and health care facilities.

**SB 162-A**, relative to rebuilding, modernizing, and maintaining rail properties and making an appropriation for the Conway branch line.

**SB 172-FN-A**, establishing a committee to study the board and care rates for residents of enhanced family care facilities.

**SB 184-FN**, relative to voter registration.

**SB 186-FN**, establishing a committee to study household hazardous waste.

**SB 192-FN-A**, relative to the office of chief medical examiner.

**SB 193-FN**, relative to limits on motorboat speeds.

**SB 196-FN**, relative to administrative revocation of motor vehicle licenses of persons under age 21.

**SB 205-FN**, establishing a committee to study the enforcement of RSA 205-A.

**SB 213-FN-A**, relative to the distribution of meals and rooms tax revenue.

**SB 220-FN**, relative to foster care.

**SCR 2**, urging the Federal Energy Regulatory Commission to deny a rate increase for Public Service Company of New Hampshire.

#### **CACRs RE-REFERRED TO COMMITTEE BY HOUSE**

**CACR 2**, relating to biennial legislative sessions. Providing that the general court shall meet biennially.

**CACR 6**, relating to taxation of business income and revenue. Providing that taxes of any type may be imposed on the income or revenue of businesses.

**CACR 9**, relating to revenue raised through a personal income tax. Providing that each year at least 75 percent of all general fund revenues resulting from any personal income tax be returned to the cities, towns, school districts, counties, and property taxpayers to assist in property tax relief.

#### **BILLS REFERRED FOR INTERIM STUDY BY SENATE**

**HB 139-FN**, relative to fair credit billing.

**HB 304**, relative to escrow of funds raised through sale of certain types of securities and to certain conditions for sale of securities.

**SB 45-FN**, relative to bail jumping.

**SB 65-FN-A**, relative to Lake Massasecum and the Warner River in the town of Bradford and making an appropriation therefor.

**SB 131-FN**, relative to choice in education.

**SB 133**, relative to resellers of telecommunication services.

**SB 141-FN**, to extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988.

**SB 142-FN**, relative to temporary utility rate increases.

**SB 148-FN**, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost-of-living adjustment for teachers retired prior to July 1, 1957.

**SB 164**, relative to maintaining the current subsidized multi-family rental housing stock in New Hampshire.

**SB 194** relative to disclosure statements for lobbyists.

**SB 204-FN**, waiving tuition for state troopers enrolled in any state school.

**SB 217-FN**, to permit designation of enterprise zones by the director of economic development, department of resources and economic development.

**SB 226-FN** establishing the town of Plaistow as a one-town solid waste district under RSA 149-M.

**STATUTORY APPOINTMENTS - 1991****HB 51 (Chapter 1, Laws of 1991) RETIREMENT SYSTEM BENEFITS**

Reps. Kathleen W. Ward, Arnold P. Shibley, Robert L. Wheeler, Merton S. Dyer (alternate), Reps. Channing T. Brown, Janet R. Pelley and Robert G. Holbrook (alternate) appointed by the Speaker

Sens. Ralph D. Hough, Charles F. Bass and Mary S. Nelson appointed by the President

Sen. David P. Currier, designee of Chairman of Senate Insurance; Sen. Joseph L. Delahunty (alternate)

Sen. Clesson J. Blaisdell, Chairman of Senate Finance

**HB 54 (Chapter 192, Laws of 1991) CHILDREN IN NEED OF SERVICES LAWS**

Reps. William F. McCain, Rick A. Trombly, Chairman, David Barrett, Jaffrey Police Chief, appointed by the Speaker

Sens. Susan McLane and John A. King, Ms. Ellie Stein-Cowan, Concord, appointed by the President

John L. Byrnes, Sr., Keene, appointed by the Governor

Richard A. Chevrefils, Director, Division for Children and Youth Services and Paul Sanderson, Esq., Legal Coordinator (alternate)

**HB 65 (Chapter 355:113, Laws of 1991) GOVERNMENT OPERATIONS TASK FORCE**

Tyler B. Phillips, Mirror Lake; Mark Connolly, Manchester; Robert J. Weisner, Dover and Pete Lamson, Hudson appointed by the Governor; Theodore L. Mueller, Newington; Dean J. Christon, Manchester; Craig Seymour, Durham and Richard Murray, Manchester appointed by the President + 4 to be appointed by the Speaker

**HB 65 (Chapter 355:118, Laws of 1991) FUTURE UTILIZATION OF ACQUIRED PROPERTY**

Reps. Gene G. Chandler, Robert C. Hayes and John F. Weeks appointed by the Speaker

Sens. Edward C. Dupont, Susan McLane and Mary S. Nelson appointed by the President

Ralph Brickett appointed by the Governor

James R. MacKay, Mayor, City of Concord

**HB 65 (Chapter 355:126, Laws of 1991) MISDEMEANORS STUDY**

House Judiciary Committee

**HB 104 (Chapter 356:5, Laws of 1991) PUBLIC WATER RIGHTS IN NEW HAMPSHIRE**

(REPEALED AND REENACTED SEE: HB 1376, Chapter 148:4, Laws of 1990)

Reps. Leonard A. Smith, Janet M. Conroy and Steven R. Maviglio (RR&D), Chairman appointed by the Speaker

Sens. Wayne D. King, Richard L. Russman and Otto H. Oleson appointed by the President

Ralph H. Goodno, Concord (conservation community), Pierre C. Lavoie, Dover (NH Waterworks Association), Thomas Caughey, Bartlett (NH Business and Industry Association) appointed by the Governor

**HB 106 (Chapter 9, Laws of 1991) ENHANCED 911 TELEPHONE SYSTEM**

Reps. Garret P. Cowenhoven and Thomas B. Salatiello appointed by the Speaker  
 Sens. David P. Currier, Chairman and John A. King appointed by the President  
 Chief Thomas Powers, Keene, appointed by the Chiefs of Police Association  
 Captain David Lincoln, Exeter, appointed by NH Sheriffs Association  
 Chief Douglas Aiken, Manchester, appointed by NH Association of Fire Chiefs, Inc.

Chief John Marechal, Keene, appointed by the Federation of Fire Mutual Aid Association

Chris McAlpine, Claremont, appointed by Emergency Medical Service Coordinating Board

Ms. Kathleen M. Veracco, appointed by NE Telephone Company  
 Jim Henley, Contoocook, appointed by the NH Telephone Association  
 Chief James D. Weed, Windham appointed by the NH Municipal Association  
 Commissioner Richard M. Flynn, and Major Booth (alternate) appointed by Governor and Council

Commissioner Larry M. Smukler, appointed by Governor and Council  
 Dr. David R. Heller, Portsmouth, Vice Chairman, appointed by E-911 Task Force  
 William H. Wood, appointed by Director, Division of Public Health Services  
 Phyllis M. Katsakiores, Derry, appointed by Governor and Council  
 Lt. Joseph DiGregorio, appointed by NH Police Association  
 Bill Stetson, appointed by NH Professional Firefighters Association

**HB 173 (Chapter 157, Laws of 1991) RECODIFICATION OF CERTAIN FIRE LAWS**

Reps. Leroy Thayer, Vice Chairman and Merton S. Dyer, Chairman appointed by the Speaker

Sen. David P. Currier appointed by the President  
 Joseph Canoles, Director of Fire Services, designee of Fire Marshal  
 Jeffrey W. Spenser, Esq., Office of Attorney General, appointed by the Commissioner of Safety

Robert Wood, Durham Fire Chief, appointed by NH Association of Fire Chiefs, Inc.

1 representative from NH Municipal Association appointed by association  
 Dr. Henry Munroe, Pembroke and William C. Cote, Durham appointed by the Governor

**HB 180 (Chapter 50, Laws of 1991) CONSORTIUM OF ALL LAW LIBRARIES**

Reps. Scott E. Green, Chairman and Caroline L. Gross appointed by the Speaker  
 Sens. Eleanor P. Podles and Thomas P. Colantuono appointed by the President  
 Kendall F. Wiggin, State Librarian, designee of Commissioner, Department of Cultural Affairs

Julie Howard, Esq., designee of Attorney General  
 David A. Brock, Esq., Chief Justice of the Supreme Court  
 Judith A. Gire, Franklin Pierce Law Center Librarian  
 President of NH Bar Association or designee  
 Joseph Constance, St. Anselm College appointed by Executive Director, NH College and University Council



**HB 193 (Chapter 288:5, Laws of 1991) REVIEW OF DISTRICT AND MUNICIPAL COURTS**

Reps. W. Kent Martling and Beaton Marsh appointed by the Speaker  
Sens. Eleanor P. Podles and Beverly A. Hollingworth appointed by the President  
Hon. Edwin W. Kelly, Administrative Justice, Plymouth District Court and Hon. John A. Korbey, District Court Justice, Auburn District Court appointed by the Supreme Court

James Lynch, Director, Administrative Office of the Courts  
Peter DeVere, Center Sandwich, Nina Gardner, Winnisquam and Richard Murray appointed by the Governor

Elliot D. Lerner, Commissioner, Department of Administrative Services  
John Clement, designee of Commissioner, Department of Transportation  
1 member of NH Bar Association appointed by the President of the Association  
Ms. Pamela Neville, Concord, District Court Clerk appointed by the Supreme Court

Chief William Scaletti, Conway, designee of President, NH Police Chiefs Association

Director, Office of State Planning or designee

**HB 193 (Chapter 288:6, Laws of 1991) CONSOLIDATION OF HANOVER AND LEBANON DISTRICT COURTS**

All members appointed by the Governor:

Karen O. Wadsworth (D-13), Mary P. Chambers (D-12) and C. Dana Christy (D-11)

Hon. Robert F. Kirk (Hanover), Hon. Forrest Cole (Lebanon) and R. Barnet Jame-son (Canaan)

Kurt Schimke, Hanover Chief of Police designee of President, NH Police Chiefs Association

James F. Lynch, Director, Administrative Office of the Courts

Senator Ralph D. Hough, Senate District 5

**HB 210 (Chapter 360, Laws of 1991) STATUS OF ARTIFICIAL IMPOUNDMENTS**

Reps. Frederick B. Andrews, Robert E. Marston, Merle W. Schotanus and Peter M. Jankowski appointed by the Speaker

Sens. Leo W. Fraser and Susan McLane appointed by the President

**HB 244 (Chapter 161, Laws of 1991) HUMAN RIGHTS COMMISSION RE LEVY OF FINES AND DAMAGES**

Reps. Elizabeth D. Lown, John J. Sytek and Debora B. Pignatelli appointed by the Speaker

Sens. Beverly A. Hollingworth, Thomas P. Colantuono and Eleanor P. Podles appointed by the President

Raymond S. Perry, Jr., Chairman, Human Rights Commission

**HB 271 (Chapter 195, Laws of 1991) PURCHASING POLICIES OF TECHNICAL INSTITUTE AND TECHNICAL COLLEGES**

Rep. William F. Kidder, Chairman, Executive Departments and Administration Committee

Rep. Arthur B. Corte appointed by Chairman of Education Committee

Sen. Gordon J. Humphrey appointed by Chairman, Executive Departments Committee

Sen. George F. Disnard, Chairman, Education Committee  
 H. Jeffrey Rafn, designee of Commissioner, Postsecondary Technical Education  
 Joseph C. Musumeci, Concord, and Ralph Brickett, Bow, appointed by Governor  
 Albert J. Nolin, Director, Division of Plant and Property Management

#### **HB 288 (Chapter 21:2, Laws of 1991) PREMATURE BIRTHS**

Rep. Irene A. Pratt, Chairman, appointed by the Speaker  
 Sen. Beverly A. Hollingworth appointed by the President  
 Charles Albano, Chief, Bureau of Maternal and Child Health  
 James A. Canfield, MD (pediatrician), Maureen E. McCanty, MD (obstetrician)  
 and George A. Little, MH (neonatal physician) appointed by NH Medical Society  
 A premature nursery nurse practitioner and a home health care child health nurse,  
 appointed by the NH Nurses Association  
 Barbara McPhee, Nashua (medical social worker), and Marie Gross, Manchester  
 (hospital costs) appointed by NH Hospital Association  
 Kate Miller, Executive Director, NH Family Planning Council  
 Mrs. Lori Nerbonne, Bow, appointed by the Governor  
 Susan D. Epstein, designee of Director, Division of Public Health Services

#### **HB 330 (Chapter 350, Laws of 1991) OFFICE OF OMBUDSMAN FOR CHILDREN**

Reps. William F. McCain, Chairman, Sharon L. Nordgren, Clerk, Reps. Drucilla  
 A. Bickford and Mary Jane Wallner appointed by the Speaker  
 Sens. John A. King, Susan McLane, C. Jeanne Shaheen and Eleanor P. Podles  
 appointed by the President

#### **HB 341 (Chapter 321, Laws of 1991) FOUNDATION AID FORMULA**

Sens. John A. King and Ralph D. Hough appointed by the President  
 Reps. Nils H. Larson and Stanley N. Searles appointed by the Speaker  
 Erica Sands Ryll, Winchester, Richard Steudle, Berlin, and Caroline McCarley,  
 Rochester  
 Berard Masse, Superintendent of Schools, Nashua; George P. Jones, III, Salem and  
 Thomas Deans, Conway  
 Mrs. Judy O. Thayer, Manchester, appointed by the Governor  
 Sallie Fellows, Concord, designee of Commissioner of Education

#### **HB 393 (Chapter 232:2, Laws of 1991) ACCESS TO MANCHESTER AIRPORT TASK FORCE**

(re-establishes Task Force created under HB 384, Chapter 335, Laws of 1989)

Sens. Eleanor P. Podles and Mary S. Nelson appointed by the President  
 Reps. Jacquelyn M. Domaingue and George N. Katsakiores appointed by the  
 Speaker  
 Robert Greer designee of Commissioner, Department of Transportation  
 Joseph Lowry, Concord, designee of President, Business and Industry Association  
 Stephen K. Rice, Commissioner, Department of Resources and Economic Development  
 Hon. Earl A. Rinker, III, Auburn, appointed by the Governor  
 Richard G. Higgins, Chairman, Londonderry, Ad Hoc Committee for Industrial  
 Development  
 Nicholas J. Lazos, Manchester, appointed by Chairman, Greater Manchester  
 Chamber of Commerce Aviation Committee

Alderman Paul Dwyer, Manchester, appointed by Manchester Board of Mayor and Aldermen

1 member appointed by Board of Selectmen of Londonderry, who shall be a resident of the town of Londonderry

Paul Goldberg appointed by the Town Council of Bedford, who shall be a resident of Bedford

Ralph G. Boehm, Litchfield, appointed by Board of Selectmen

Ann Bourque, Manchester, appointed by Manchester Board of Mayor and Aldermen

Georgie A. Thomas, Treasurer, Douglas A. Smith (alternate)

#### **HB 397 (Chapter 78:2, Laws of 1991) PLACEMENT OF PERSONS AFFLICTED WITH ALZHEIMER'S DISEASE**

Rep. Mary C. Holmes appointed by the Speaker

Sen. John A. King appointed by the President

Richard A. Chevrefils, Director, Division of Elderly and Adult Services

James P. McKerley, Penacook, appointed by the Governor

John Hopkins, MD, Rochester, and Paul Gorman, Superintendent, NH Hospital (alternate) appointed by NH Hospital Association

#### **HB 416 (Chapter 364:8, Laws of 1991) DRUG-FREE MUNICIPAL ZONES**

Sens. Burton J. Cohen and Sheila Roberge appointed by the President

Reps. Ellen-Ann Robinson and Julie M. Brown appointed by the Speaker

1 representative of the NH Municipal Association appointed by the association

Malcolm MacDonald, Madison, and Ms. Irene Denton, Manchester, appointed by the Governor

#### **HB 443 (Chapter 303:9, Laws of 1991) DEVELOPMENT ISSUES ADJACENT TO RIVERS**

Margaret Watkins, Dunbarton, (Rivers Management Advisory), David Harrigan, Pembroke, (Regional Planning Commission), James Bassett, Canterbury, (river community), Randy Kidwell (NH Homebuilders Association), George Lamprey, Concord, (NH Association of Realtors), Elizabeth Bardsley (Conservation Commission) and Tim Bates, Esq. (NH Municipal Association) appointed by the Governor

Director, Office of State Planning or designee

Roland Barnaby, Portsmouth, designee of Director, NH Port Authority

Charles F. Thoits, Senior Biologist, designee of Executive Director, Department of Fish and Game

Commissioner, Department of Resources and Economic Development or designee

Katherine Ueland, Corridor Planner, Department of Environmental Services

Reps. Howard C. Dickinson, J. Keith Markley and Allen R. Wiggin appointed by the Speaker

Sens. Richard L. Russman and Wayne D. King appointed by the President

#### **HB 451 (Chapter 365:15, Laws of 1991) PATIENTS' BILL OF RIGHTS**

Reps. Robert W. Foster and Carmela M. DiPietro appointed by the Speaker

Sens. Otto H. Oleson and Eleanor P. Podles appointed by the President

Robert Mesropian, Lebanon appointed by the NH Hospital Association

Dwight Sowerby, appointed by the NH Health Care Association

Lester K. Billings, Concord, appointed by the NH Chapter of the American Association of Retired Persons

1 member appointed by the Alliance for the Mentally Ill of NH  
William C. Swan, Peterborough appointed by the Governor  
Donna Woodfin, Concord, appointed by the Disabilities Rights Center Inc.  
1 member appointed by the NH Association of Residential Care Facilities  
John E. Tobin, Concord, appointed by NH Legal Assistance

**HB 539 (Chapter 89:2, Laws of 1991) COMMITTEE TO STUDY THE UNINSURABLE**

Rep. Bonnie B. Packard, Chairman appointed by the Speaker  
Sen. Charles F. Bass appointed by the President  
Mrs. Audrey Carragher, Nashua, Ms. Robbi L. Conley, Manchester, Linda J. Erbstoeszer, Manchester, and Ms. Linda C. Hood, Hooksett appointed by the Governor  
Alexander Taft appointed by Blue Cross/Blue Shield  
Robert C. Warren designee of Insurance Commissioner  
Vincent G. Mace, Concord, Ms. Sally W. Crawford, Concord, and William F. Simmons, Hampton, appointed by Insurance Commissioner  
Susan D. Epstein designee of Commissioner, Department of Health and Human Services  
Michelle McEwen, Vice President, NH Hospital Association

**HB 603 (Chapter 389, Laws of 1991) STATE AND FEDERAL MANDATES TASK FORCE**

Ms. Susan Shumway, Laconia School Board and Ms. Carol Resch, Manchester, appointed by the NH School Boards Association  
Herbert Hansen, Hillsboro, and Brenda Elias, Mayor of Franklin, appointed by the NH Municipal Association  
Sens. Richard L. Russman and Sheila Roberge appointed by the President  
Reps. David A. Young, Chairman and Nanci A. Allard appointed by the Speaker  
Ralph Brickett, appointed by the Governor  
Dale Thompson, Keene, and Fred King, West Stewartstown, appointed by NH Association of Counties

**HB 610 (Chapter 285, Laws of 1991) COLLECTING FINES AND FEES IMPOSED BY THE STATE**

Reps. Kenneth W. Malcolm, Chairman and Lawrence A. Emerton, Clerk, appointed by the Speaker  
Sen. Richard L. Russman appointed by the President  
Thomas Tarr, Department of Corrections, appointed by the Governor  
Charles Sova, Director of Administration and State Trooper Russell Boynton appointed by the Commissioner of Safety  
Kenneth L. Robie, Administrator of Cost Containment, appointed by the Commissioner of Administrative Services  
Hon. Edwin W. Kelly, Plymouth District Court, appointed by the Chief Justice of the Supreme Court  
1 representative from the University System of NH appointed by the President of the University System  
Dr. David E. Larrabee appointed by the President of the NH Technical Institute  
Janet Darling, Office of Reimbursements, appointed by the Commissioner of Health and Human Services



**HB 629 (Chapter 100:2, Laws of 1991) TASK FORCE ON CONGREGATE HOUSING**

Reps. Ann J. Bourque and Richard F. Doucette appointed by the Speaker

Sens. John A. King and Eleanor P. Podles appointed by the President

Jeannette Gagnon, Administrator, Office of Community Services, designee of Director, Division of Elderly and Adult Services

Jay Lane, designee of Executive Director of the Manchester Housing Authority

P. Curtis Hiebert, Keene; Katherine A. Naczas, Laconia, and John Brown, Derry, appointed by Chairman, NH Association of Housing Authorities

Bernice Murray, Montpelier, VT, Regional Director of the Farmers Home Administration

Sheila Malynowski, Director, Housing Management designee of Executive Director of NH Housing Finance Authority

Timothy J. Connors, Executive Director, Portsmouth Housing Authority

Mrs. Josephine Reynolds, Assistant Executive Director of the Nashua Housing Authority

**HB 648 (Chapter 337:2, Laws of 1991) ECONOMIC DEVELOPMENT COMMISSION**

Gov. Judd Gregg, Sen. Edward J. Dupont and Rep. Harold W. Burns, who shall serve as Chairmen of Commission

Sens. Richard Russman and C. Jeanne Shaheen, George Bald, Rochester, Robert Brown, Dover, Warren Henderson, Stratham, Dale Nitzschke, Durham, Allen Pattee, Manchester, John Rogers, Concord, Greg E. Schmeichel, Nashua and E. F. Whitely, Rochester, appointed by the President

Reps. Richard T. Trelfa and Daniel M. Burnham, Peter Powell, Lancaster, David Reynolds, Rochester, Herbert Boynton, Whitefield, Robert Stiles, Whitefield, Michael O. Quinn, Claremont, Deborah Giles, Concord, Herve P. Samson, Whitefield and E. Vincent Hall, Nashua, appointed by the Speaker

Ted DeWinter, Greenville; Wayne Green, Hancock; John Crosier, Concord; Kathy Salisbury, Portsmouth; Townsend Thorndike, Meredith and William Pillsbury, Concord + 2 other public members appointed by the Governor

**HB 670, (Chapter 143:2, Laws of 1991) CONDOMINIUM CONVERSION OF MANUFACTURED HOUSING PARKS**

Dot Ford, Londonderry, appointed by NH Realtors Association

Reps. John J. Coffey, Chairman and Jane A. Clemons, Vice Chairman appointed by the Speaker

Sens. Barbara B. Pressly and Charles F. Bass appointed by the President

David Kibbey, Newport, appointed by New England Manufactured Housing Association

Doris Levesque appointed by the Mobile Homeowner Tenant Association

James Bianco, Esq., Concord, appointed by NH Manufactured Housing Association

**HB 683 (Chapter 250, Laws of 1991) TRANSPORTATION FOR THE TWENTY-FIRST CENTURY TASK FORCE**

Sen. Burton J. Cohen appointed by the President

Rep. John W. Flanders appointed by the Speaker

Charles P. O'Leary, Commissioner of Transportation, Chairman

Stephen K. Rice, Commissioner, Department of Resources and Economic Development

Jeffrey H. Taylor, Director, Office of State Planning

The following members appointed by the Governor:

Hon. Bernard A. Streeter, Jr., Nashua (Governor's Advisory Commission on Highways)

Joseph Lowry, Concord (Business and Industry Association of NH)

Burton E. Nichols, Canterbury (NH motoring)

Joseph D. Bontatibus, Bedford (NH trucking)

Clarence Gordon, South Hampton (NH construction industry)

Mark Charbonneau (NH construction materials industry)

Ms. Marjory Swope, Concord (environmental interests)

Harry W. Blunt, Concord (mass transportation)

Harvey Sawyer, Jaffrey (commercial aviation)

MacGregor Smith, Plaistow (NH bus industry)

#### **HB 684 (Chapter 170:2, Laws of 1991) RESTORATION, CONSERVATION AND PRESERVATION OF STATE HISTORIC FLAGS**

Reps. David A. Welch and John Hoar appointed by the Speaker

Sens. Roger C. Heath and Wayne D. King appointed by the President

Norwood Keeney, III, designee of Governor

William M. Gardner, Secretary of State

Joseph B. Riley, Jr. designee of Adjutant General

Nancy Muller, Director, Historical Resources, designee of Commissioner, Department of Cultural Affairs

Rep. Roland A. Sallada, Chairman, Legislative Historical Committee

Woodward Keeney, State Curator

Kenneth Leidner appointed by President of NH Veterans' Association

William Marvel, South Conway (military history); Kenneth Burns, Walpole (Civil War History) and Ms. Jane Nylander, Portsmouth (textiles) appointed by the Governor

#### **HB 709 (Chapter 375:2, IV, Laws of 1991) CLEARCUTTING FOREST RESOURCES**

John E. Sargent, Director, Division of Forests and Lands, Chairman

Rep. Howard C. Dickinson, Chairman, Resources, Recreation and Development Committee

Reps. David A. Scanlan, John B. Young, A. Gibb Dodge and 1 other from RR&D appointed by the Speaker

Sens. Otto H. Oleson, David P. Currier and Roger C. Heath, appointed by the President

#### **HB 720 (Chapter 286:5, Laws of 1991) PERMITTING THE SALE OF FIREWORKS**

Sens. David P. Currier and James R. St. Jean appointed by the President

Reps. Charles H. Felch, Chairman and Richard D. Chasse, Vice Chairman appointed by the Speaker

Douglas L. Patch, Assistant Commissioner, designee of Commissioner of Safety

Kenneth J. Renoux, Nashua Fire Marshal; David Barrett, Jaffrey Chief of Police; Clinton F. Miller, II, MD, Portsmouth; Stephen Pelkey, Jaffrey; Wayne Desrosiers, Jaffrey, and Steve Kraus, Keene, appointed by the Governor

**HB 750 (Chapter 253, Laws of 1991) WASTE TIRE MANAGEMENT PROGRAM**

James F. Marshall, Bureau of Materials and Resources appointed by the Governor  
 Robert W. Varney, Commissioner, Department of Environmental Services appointed by the Governor

Elizabeth Bedard, Office of State Planning appointed by the Governor

Rep. Bonnie Lou McCann appointed by the Speaker

Sen. Richard L. Russman appointed by the President

Russell E. MacCleery, Chichester, appointed by the Governor

1 member of NH Resource Recovery Association appointed by association

Roland Lesieur, Nashua, appointed by the Governor

John N. Isham, Peterborough, appointed by NH Municipal Association

Donald Gobin, Claremont, appointed by the Governor

**HB 767 (Chapter 171, Laws of 1991) ACCESS TO GROUP HEALTH INSURANCE POLICIES**

House Commerce, Small Business and Consumer Affairs Committee

**SB 4 (Chapter 145, Laws of 1991) STATE PORT AUTHORITY**

Sens. Burton J. Cohen, Edward C. Dupont and C. Jeanne Shaheen appointed by the President

Reps. Fredrik Peyron, Arthur P. Ferlan and Anthony Syracuse appointed by the Speaker

Stephen Foss, Hampton, James Weldon, North Hampton, and John Byrne, Hampton, appointed by the Governor

**SB 9 (Chapter 212, Laws of 1991) MENTAL HEALTH AND CRIMINAL JUSTICE SYSTEMS**

Sen. Richard L. Russman appointed by the President

Rep. Alice B. Record appointed by the Speaker

Donald L. Shumway, Director, Division of Mental Health and Development Services

Michael Brown, designee of Commissioner of Corrections

Sandra LaPointe, Claremont, appointed by NH Association of Counties

Hon. H. Philip Howorth, Nashua, Chairman, appointed by Chief Justice of the Supreme Court

Hon. Christine M. O'Neill, Laconia, Vice Chairman, appointed by Chief Justice of Supreme Court

Neal Chalek, Salem, appointed by Commissioner, Department of Health and Human Services

David Hilton, Concord, and Joseph Manning, Jaffrey, appointed by Commissioner, Department of Health and Human Services

David Peck, Esq., appointed by Attorney General

William Paine, Esq., Ossipee, appointed by NH Association of Counties

Robert Vidaver, MD, designee of Chairperson, Department of Psychiatry, Dartmouth Medical School

1 representative of a community psychiatric emergency services program appointed by Commissioner, Department of Health and Human Services

Paul G. Gorman, Ed.D., Superintendent of NH Hospital

Chief Neil Parker, Kingston, appointed by NH Association of Police Chiefs

**SB 10 (Chapter 257, Laws of 1991) VETERANS BONUS FOR PERSIAN GULF SERVICE**

Sen. Clesson J. Blaisdell appointed by the President

Rep. Richardson D. Benton appointed by the Speaker

Arthur D. Brennan, Esq., and John B. McDuffee, Concord, appointed by the Governor

Conrad V. Moran, Director, Veterans Council

Lloyd M. Price, Adjutant General

**SB 43 (Chapter 174, Laws of 1991) UTILIZATION AND MANAGEMENT REVIEW AND MANAGED CARE**

Sens. Charles F. Bass and Mary S. Nelson appointed by the President

Reps. Alice S. Ziegler and Beverly A. Gage appointed by the Speaker

Robert Aurilio, Dover appointed by the Governor

Insurance Commissioner or his designee

Philip Soule designee of Commissioner of Health and Human Services

Michelle McEwen, Vice President, NH Hospital Association

Dr. Amir M. Khazei and Dr. James P. Pilliod appointed by the NH Medical Society

Richard Salmon, MD, appointed by Insurance Commissioner

Dr. Thomas J. Flannery, Medical Director of Managed Care appointed by Blue Cross/Blue Shield

Joseph S. Flowers, appointed by Insurance Commissioner

**SB 57 (Chapter 264, Laws of 1991) CORPORATE LAWS**

Sens. Leo W. Fraser, David P. Currier and Wayne D. King appointed by the President

Reps. Robert S. Mercer, Shawn N. Jasper and Alf E. Jacobson appointed by the Speaker

**SB 67 (Chapter 266, Laws of 1991) SCHOOL BUILDING AID FORMULA**

Sens. Ralph D. Hough, George F. Disnard and Joseph L. Delahunty appointed by the President

Reps. Patricia M. Skinner, Susan D. Carter and Frances L. Riley appointed by the Speaker

Douglas A. Smith designee of State Treasurer; Georgie A. Thomas (alternate)

Ralph Brickett, Bow, appointed by the Governor

**SB 74 (Chapter 178, Laws of 1991) CATASTROPHIC ILLNESS CARE FUNDS DISTRIBUTION**

Sens. John A. King and Susan McLane appointed by the President

Reps. Robert A. Lockwood and Charles B. Yeaton appointed by the Speaker

Charles H. Marston, Commissioner of Education

Kathleen Sgambati designee of Commissioner, Health and Human Services

Robert V. Pliskin, Director of Human Services and Philip S. Soule, Administrator of Medical Services (alternate)

Bruce A. Archambault, Director, Division of Vocational Rehabilitation

**SB 79 (Chapter 180, Laws of 1991) ENVIRONMENTAL PERMIT PROCESS**

Sen. Richard L. Russman appointed by the President

Rep. Stacey W. Cole appointed by the Speaker

Commissioner, Department of Resources and Economic Development or his designee



Hon. Robert Brundige, Merrimack, selectman, appointed by the Governor  
 Robert W. Varney, Commissioner, Department of Environmental Services  
 Charles P. O'Leary, Commissioner, Transportation  
 David Wolff, Arthur J. Cunningham and Michael Donahue, appointed by the Governor

#### **SB 85 (Chapter 267, Laws of 1991) WOMEN'S SPORTS**

Reps. Robert M. Gilbreth and Sharleene P. Hurst appointed by the Speaker  
 Sens. Beverly A. Hollingworth and Gordon J. Humphrey appointed by the President

John Fagula, Nashua, and Mrs. Nancy Rowe Dreffs, Hooksett, appointed by the Governor

Robert Norton, Belmont, appointed by the Governor

Ms. Rose Galligan, Pembroke, and Ms. Kathy Slattery, Hanover, appointed by the Governor

Dr. Judith D. Fillion, Director, Division of Standards and Certification, appointed by Commissioner of Education

Dr. Judy Ray, Durham, Chairman, Stephen Bamford, Plymouth, Ms. Mary Lou Cronin, Franklin, William Whitman and 1 other person involved in interscholastic athletic programs appointed by the Governor  
 appointed by the Governor

#### **SB 101 (Chapter 149, Laws of 1991) INDUSTRIAL DEVELOPMENT AUTHORITY**

Reps. Channing T. Brown and Charles L. Vaughn appointed by the Speaker

Sens. Edward C. Dupont and Leo W. Fraser appointed by the President

Michael H. Monks, Amherst, and Raymond P. Smith, Salem, appointed by the Governor

#### **SB 170 (Chapter 279, Laws of 1991) REVENUE STRUCTURE IN NEW HAMPSHIRE**

House and Senate Ways and Means Committee Chairmen chose KPMG, Peat Marwick, Dr. Robert Ebel, to conduct study

#### **SB 181 (Chapter 345:5, Laws of 1991) STUDY OF CERTAIN GAMBLING EVENTS**

Sens. George F. Disnard, Chairman and Susan McLane appointed by the President

Reps. William J. Desrosiers and Nancy M. Ford appointed by the Speaker

Douglas L. Patch, Assistant Commissioner of Safety appointed by the Commissioner

James E. Wimsatt, Executive Director, Sweepstakes Commission

John P. Arnold, Esq., Attorney General

Arthur D. Brennan, Esq., and Silas Little, III, Esq., Peterborough, appointed by the Governor

#### **SB 182 (Chapter 346:10, Laws of 1991) DATA BASE MANAGEMENT ADVISORY**

Rep. Harold W. Burns, Speaker and Rep. Caroline L. Gross (alternate)

Sen. Edward C. Dupont, President

Patrick P. Oliver, Director of Operations, Governor's designee

Reps. Douglas E. Hall and Kathleen W. Ward; Roland A. Frechette and Maurice E. Goulet (alternates) appointed by the Speaker

Sens. David P. Currier and Ralph D. Hough appointed by the President (may appoint alternates)

Elliot D. Lerner, Commissioner, Administrative Services, Chairman

#### **SB 222 (Chapter 191:2,I, Laws of 1991) ALTERNATIVE TRANSPORTATION**

Sen. Mary S. Nelson appointed by the President

Rep. Marilyn P. Senter appointed by the Speaker

Charles P. O'Leary, Commissioner of Transportation

J. Cameron Stuart and David S. Boesh, Nashua, William H. Craig, Manchester, Clifford Sinnott, Plaistow, Clifford F. Sullivan, Salem, Warren McGranahan, Rochester, James Albert, Portsmouth, appointed by Governor and Council

Don E. Zizzi, Executive Director, Nashua Regional Planning Commission and Chairmen of Rockingham and Strafford Regional Planning Commissions or designees

Thomas B. Greenman, Wilton, NH Association of Commerce and Industry, appointed by the Governor and Council

1 representative from the truck transportation industry appointed by the Governor and Council

Harry W. Blunt, New London, appointed by the Governor and Council

Peter Leishman, Milford, appointed by the Governor and Council

1 representative of the air travel industry, appointed by the Governor and Council

#### **SUBCOMMITTEE OF ABOVE COMMITTEE: SB 189, Chapter 387, Laws of 1989**

#### **RSA 12-A:2-g NEW HAMPSHIRE-CANADIAN TRADE COUNCIL**

(Established: SB 152, Chapter 153, Laws of 1991)

Sen. Edward C. Dupont and Leo W. Fraser

Reps. Lawrence J. Guay and Beverly A. Gage

Dawn Nivell, assignee of Commissioner, Department of Resources and Economic Development

Secretary of State or his assignee

Other members as the Commissioner and Secretary of State may appoint

#### **RSA 12-A:30, II INTERNATIONAL TRADE ADVISORY COMMITTEE**

(Established: SB 28, Chapter 260:3, Laws of 1991)

Sen. Wayne D. King appointed by the President

Rep. William Tsiros appointed by the Speaker

Brian Grip, designee of Governor

Stephen K. Rice, Commissioner, Department of Resources and Economic Development

William K. Phillips, District Director, US Small Business Administration

John A. Graf, Esq., Manchester, appointed by Business and Industry Association

Richard Considine, Portsmouth, designee of Director, NH Port Authority

Michael Valuk, Nashua appointed by NH Association of Commerce and Industry

Michael S. DeLucia, Esq., Manchester and Joseph J. Boyle, Boston, MA (alternate) appointed by NH International Trade Association

Thomas F. Buckley, Manchester appointed by NH Bankers Association

George C. Jones, Director, Pease Development Authority

Helen Goodman, Director, NH Small Business Development Center

Francis J. O'Connor, Boston, appointed by the Department of Commerce, International Trade Administration

Orrin Laferte, Manchester, appointed by Governor and Council

1 representative of organized labor appointed by the Governor and council

#### **RSA 14-B:2 ETHICS COMMITTEE**

(Established: SB 29, Chapter 105, Laws of 1991)

Rep. William F. Kidder appointed by the Speaker

Rep. Rick A. Trombly appointed by the House Minority Leader

Francis Robinson, Durham, appointed by the Speaker

Sen. Charles F. Bass appointed by the President

1 Senator appointed by the Senate Minority Leader

Russell F. Hilliard, Esq., Concord, appointed by the President

G. Dana Bisbee, Esq., designee of Attorney General

#### **RSA 19-D:1 INDUSTRIAL HERITAGE COMMISSION**

(Established: HB 409, Chapter 234:2, Laws of 1991)

Dean Kamen, Manchester, Chairman and Raymond Welch, Hooksett, appointed by Governor

Sens. John A. King and Eleanor P. Podles appointed by the President

Reps. Robert S. Hawkins and Robert H. Turner appointed by the Speaker

John Hoben, Manchester, appointed by the Mayor of Manchester

Earl A. Rinker, III, Executive Councilor of District 4

Dr. Edward Taylor, designee of Commissioner of Education

Charles P. O'Leary, Commissioner of Transportation

James Garvin, Architectural Historian, designee of Commissioner of Cultural Affairs

David Wihby, Manchester, designee of Labor Commissioner

Laurie E. Ostrander, designee of Commissioner, Department of Resources and Economic Development

Richard Green, Director, Economic Development

Wilbur F. LaPage, Director, Division of Parks and Recreation

Nancy Muller, Director, Division of Historical Resources,

Ann Bourque, Manchester Alderman, appointed by the Manchester Board of Mayor and Aldermen

#### **RSA 21-A:2-f ECONOMIC DEVELOPMENT FUND OVERSIGHT**

(Established: HB 50, Chapter 4, Laws of 1991)

Rep. Harold W. Burns, Speaker of the House

Reps. Channing T. Brown and Charles L. Vaughn appointed by the Speaker

Sen. Edward C. Dupont, President of the Senate

Sens. Wayne D. King and Clesson J. Blaisdell appointed by the President

Stephen K. Rice, Commissioner, Resources and Economic Development

#### **RSA 126-A:10-c ACCESS TO HEALTH CARE ADVISORY**

(Established: HB 319, Chapter 130, Laws of 1991)

Rep. Eleanor H. Amidon appointed by the Speaker

Sen. Charles F. Bass appointed by the President

Insurance Commissioner or designee

Richard M. Flynn, Commissioner of Labor

Katherine Eneguess, designee of President of NH Business and Industry Association

Jane A. Bangert, Nashua, designee of President of NH Association of Commerce and Industry

Michelle McEwen, Vice President of NH Hospital Association

Dr. Gary L. Woods, designee of President of NH Medical Society

Martha Austin, appointed by the Governor

Betsy Frauenthal, Matthew Thornton Health Plan, Inc. and Alexander Taft, Blue Cross/Blue Shield of NH appointed by Insurance Commissioner

Doris Sherman, Bedford, and Bill Newman, Derry, appointed by Commissioner, Health and Human Services

Joan Jahelka, Hooksett + 1 other representing low-income residents of the state appointed by Commissioner of Health and Human Services

John Seavey, Durham, appointed by Commissioner, Health and Human Services

Dan Estee, Lebanon, (NH Health Care Association) appointed by Governor

Gary Thompson, Merrimack, appointed by Governor

Timothy Fortier appointed by NH Hospitality Association

1 person representing the Small Business Development Center - NH, appointed by center

Virginia A. Blackmer, Franklin, President, NH Nurses Association and Peggy Shedd, Lebanon, President-elect of NHNA (alternate)

#### **RSA 135-D:4 FOUNDATION FOR MENTAL HEALTH BOARD OF DIRECTORS**

(Established: HB 255, Chapter 51, Laws of 1991)

Sen. Edward C. Dupont appointed by the President

Rep. Katherine D. Foster appointed by the Speaker

Victoria Zachos, Concord, Donna Holden, Franklin and Diane Schott, Jaffrey, Lindy Fox, Concord, Dr. Margaret Seiden, Concord, and Zlatko Kuftinec, MD, Nashua, appointed by the Governor

Peter M. Silberfarb, MD, Hanover, Chairman, Department of Psychiatry, Dartmouth Medical School

Donald L. Shumway, Director, Division of Mental Health and Developmental Services

Paul G. Gorman, Superintendent, New Hampshire Hospital

#### **RSA 187-A:32 INDUSTRIAL TECHNOLOGY RESEARCH AND INNOVATION CENTER ADVISORY**

(Established: SB 7, Chapter 211, Laws of 1991)

William H. Tillsbury, designee of Commissioner of Resources and Economic Development

Rep. Arthur B. Corte appointed by the Speaker

Sen. C. Jeanne Shaheen appointed by the President

Otis J. Sproul, Dean, College of Engineering and Physical Sciences

James D. Morrison, Vice-President for Research, University of NH

William E. Fletcher, Merrimack; Michael Foster, Warner; James J. Manfield, Newmarket; William R. Hood, Nashua; James E. O'Neil, Keene, appointed by the Governor

#### **RSA 227-C:18 HERITAGE COLLECTIONS COMMITTEE**

(Established: HB 275, Chapter 129, Laws of 1991)

Mrs. Darcy Bryant, designee of the Governor

Janet G. Wall appointed by the Speaker



Sen. Roger C. Heath appointed by the President  
Nancy Muller, Director, Division of Historical Resources, designee of Commissioner, Cultural Affairs  
Commissioner, Administrative Services or designee  
Rep. Roland A. Sallada, Chairman, Legislative Historical Committee  
Susan Bonaiuto, Director, Division of Arts  
Wilbur F. LaPage, Director, Division of Parks and Recreation  
Gary Hume, State Archaeologist  
Frank C. Mevers, State Archivist  
Woodward Keeney, State Curator

**RSA 238:15 SCENIC BYWAYS PLANNING PROGRAM ADVISORY**

(Established: HB 705, Chapter 209:2, Laws of 1991)

Reps. Mary Ann Lewis and William H. Nehring appointed by the Speaker  
Sens. Otto H. Oleson and Gordon J. Humphrey appointed by the President  
David Harrigan, Concord, appointed by the Governor  
Ronald Brown, Carroll, appointed by the Governor  
Richard Hamilton, Woodstock, appointed by the Governor

**RSA 422:47 SKYHAVEN AIRPORT OPERATION COMMISSION**

(Established: SB 5, Chapter 256, Laws of 1991)

Roland Roberge, Mayor of Rochester  
William Hall, Durham, appointed by the Mayor of Dover  
James Yurick, Mayor of Somersworth  
Francis J. Costello, Rye, and Charles R. Waterman, Portsmouth, appointed by the Governor and Council  
Franklin G. Torr, Rochester, appointed by the President  
Rep. Sandra B. Keans appointed by the Speaker

**RSA 541-A:11, I ADMINISTRATIVE RULES**

(Amended: SB 24, Chapter 119, Laws of 1991 - Adds 2 alternate members from House and 2 alternate members from Senate)

Reps. Karen O. Wadsworth, Chairman; Robert S. Mercer, Shawn N. Jasper, Marion L. Copenhaver, William H. McCann and Kathleen W. Ward, Beverly A. Rodeschin and Amanda A. Merrill (alternates) appointed by the Speaker

Sens. Leo W. Fraser, Vice Chairman; Eleanor P. Podlès, Charles F. Bass, Beverly A. Hollingworth and Barbara B. Pressly and John A. King and David P. Currier (alternates) appointed by the President

**RSA 664:5-c, II CAMPAIGN FINANCING STATUTES ADVISORY**

(Amended: SB 195, Chapter 387:18, II, Laws of 1991)

William M. Gardner, Secretary of State  
Rep. Carol H. Holden, appointed by House Majority Leader  
Rep. Cynthia A. McGovern, appointed by House Minority Leader  
Sen. Thomas P. Colantuono, appointed by Senate Majority Leader  
Sen. James R. St. Jean, appointed by Senate Minority Leader  
1 member to be appointed by Governor

**RESIGNATIONS, DEATHS, ELECTIONS****Resigned**

|          |           |                            |
|----------|-----------|----------------------------|
| 02/05/91 | Rock. 5   | Gregorio, William, r       |
| 02/22/91 | Hills. 46 | Dionne, Paul R., d         |
| 03/07/91 | Hills. 39 | Janas, Gregory, d          |
| 04/03/91 | Hills. 30 | Hickey, Janet E., r        |
| 05/17/91 | Rock. 7   | Campbell, Eunice M., r     |
| 09/20/91 | Rock. 28  | Chase, Lawrence A., Jr., r |
| 09/25/91 | Straf. 7  | Bernard, Mary E., d        |
| 10/01/91 | Ches. 13  | Spear, Susan, d&r          |

**Deceased**

|          |           |                            |
|----------|-----------|----------------------------|
| 06/06/91 | Hills. 10 | Perham, Lester R., r&d     |
| 11/17/91 | Hills. 29 | Gagnon, Gabrielle V., d    |
| 12/10/91 | Straf. 1  | Swope, Warren L., r        |
| 12/20/91 | Graf. 1   | Whitcomb, Henry F., Jr., r |

**Special Elections**

(Took Oath)

|          |           |                            |
|----------|-----------|----------------------------|
| 02/13/91 | Rock. 20  | Sytek, John J., r          |
| 05/01/91 | Hills. 39 | Janas, Gregory, d          |
| 06/11/91 | Rock. 05  | Wells, Henry E., r         |
| 09/09/91 | Rock. 07  | Katsakiores, Phyllis M., r |
| 10/30/91 | Hills. 10 | Carpenter, Karen A., r     |
| 12/18/91 | Hills. 46 | Asselin, Robert P., d      |

**Sworn into Office**

|          |          |                      |
|----------|----------|----------------------|
| 05/29/91 | Sull. 09 | Porter, Robert H., r |
|----------|----------|----------------------|

400 State Representatives

|         |          |     |
|---------|----------|-----|
| R - 199 | R&D - 67 | 266 |
| D - 100 | D&R - 25 | 125 |
| I - 1   | I & D    | 1   |

Currently elected and qualified: 393

Vacancies due to: 3 deaths

4 resignations

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  - date fees payable changed .....HB 107am
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**Data base management** advisory committee .....SB 182am

**Data processing**

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**David H. Stevens bridge**, renamed from Piscataqua River bridge .....HB 782

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- hearing aid dealers, administrative fines .....HB 533
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- burial permits granted by public health services .....HB 65am
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- payment of debt .....HB 698

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**Dentists**, parental consent required prior to performing  
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**Derry**, lease purchase agreement with administrative services  
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Yeas, 191; Nays, 84 . . . . .1176-1179
- HB 1-FN-A**, relative to a medicaid enhancement tax, creating a medicaid  
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- HB 25-A**, making appropriations for the expenses of certain departments of the  
state for fiscal years ending June 30, 1992, and June 30, 1993.  
Question, adopt Chambers floor amendment. Yeas, 110; Nays, 247 . . . . .786-790  
Question, adopt sections 21 and 22. Yeas, 72; Nays, 287 . . . . .790-794  
Question, adopt Hager and Schotanus floor amendment. Yeas, 69; Nays, 281 . . . . .795-798  
Question, adopt section 19. Yeas, 185; Nays, 177. . . . .799-803  
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Question, adopt conference committee report. Yeas, 259; Nays, 90 . . . . .1218-1221
- HB 35-A**, making appropriations for capital improvements. Question,  
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Yeas, 231; Nays, 94 . . . . .666-669  
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| Question, adopt section 1 (estate and legacy tax). Yeas, 211; Nays, 139  | 1124-1128 |
| Question, adopt sections 12 and 14 (communications tax). Yeas, 183; Nays, 171  | 1128-1131 |
| Question, adopt sections 10 and 11 (cable television tax). Yeas, 150; Nays, 202  | 1131-1135 |
| Question, adopt sections 2-9 and 13 (business poll tax). Yeas, 160; Nays, 189  | 1135-1138 |
| Question, adopt Hall and Jasper floor amendment. Yeas, 20; Nays, 326   | 1142-1145 |
| HB 50-FN-A, relative to state revenue and expenditures. Question, adopt sections 6 and 11. Yeas, 221; Nays, 137  | 157-160   |
| Question, adopt sections 1-5, 7 and 12. Yeas, 204; Nays, 157   | 160-163   |
| Question, adopt section 10. Yeas, 194; Nays, 160.  | 164-167   |
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| HB 54-FN, eliminating the laws regarding children in need of services. Question, substitute re-refer to committee for ought to pass with amendment. Yeas, 119; Nays, 219   | 581-584   |
| HB 64-FN-A, to impose a nuclear electricity generation tax. Question, adopt floor amendment. Yeas, 285; Nays, 58   | 748-751   |
| Question, adopt conference committee report. Yeas, 174; Nays, 169  | 1229-1233 |
| HB 65-FN-A, relative to administration and enforcement of the securities laws, state employee benefits, and state fees, funds, revenues, and expenditures. Question, adopt Packard floor amendment. Yeas, 135; Nays, 202 | 830-833   |
| Question, adopt Lozeau floor amendment. Yeas, 159; Nays, 177   | 835-839   |
| Question, adopt conference committee report. Yeas, 235; Nays, 112  | 1221-1224 |
| HB 75-FN-A, relative to the medicaid enhancement tax. Question, adopt committee amendment. Yeas, 283; Nays, 42   | 1246-1249 |
| HB 105, making English the official language of the state of New Hampshire. Question, substitute ought to pass for inexpedient to legislate. Yeas, 88; Nays, 263   | 186-190   |
| HB 110-FN, increasing the fees for licenses to carry loaded pistols and revolvers. Question, substitute ought to pass for inexpedient to legislate. Yeas, 68; Nays, 295  | 79-82     |
| HB 126, relative to rules in manufactured housing parks. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 153; Nays, 193  | 212-215   |
| HB 127, changing the name of Fast Day to Civil Rights Day. Question, adopt committee report of ought to pass with amendment. Yeas, 231; Nays, 111  | 536-540   |
| HB 133, relative to the right to know law. Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 142; Nays, 183  | 630-633   |
| HB 146-FN-A, to establish a uniform business tax and making an appropriation therefor. Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 175; Nays, 175                              | 714-717   |
| Question, adopt committee amendment. Yeas, 197; Nays, 155  | 717-720   |
| HB 150, relative to the observance of Memorial Day. Question, substitute ought to pass for inexpedient to legislate. Yeas, 170; Nays, 196  | 75-79     |

- HB 231-A**, to repeal the increase in the rates of certain state taxes.  
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- HB 258**, to extend the lapse date for the phase V prison construction appropriation. Question, substitute inexpedient to legislate for ought to pass. Yeas, 65; Nays, 266.....290-293
- HB 268-FN**, relative to drug-free truck stops and rest areas. Question, substitute ought to pass for inexpedient to legislate. Yeas, 52; Nays, 276 .....352-355
- HB 297-FN-A**, authorizing the racing commission to license electronic games of chance wherever licensed pari-mutuel wagering takes place. Question, substitute inexpedient to legislate for re-refer to committee. Yeas, 118; Nays, 218.....298-302
- HB 336-FN-A**, relative to the definitions of "meal" and "restaurant" under the meals and rooms tax. Question, adopt section 1 (real estate transfer tax). Yeas, 214; Nays, 138 .....689-692  
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- HB 350-FN**, relative to negligent homicide. Question, adopt committee amendment. Yeas, 218; Nays, 103.....590-593
- HB 391**, to permit the adoption of impact fees as part of a zoning ordinance. Question, adopt committee report of ought to pass.  
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- HB 443-FN-A**, relative to shoreland protection and making an appropriation therefor and relative to water user fees. Question, adopt floor amendment. Yeas, 196; Nays, 133 .....314-317
- HB 456**, prohibiting bear baiting. Question, substitute ought to pass for inexpedient to legislate. Yeas, 225; Nays, 114.....378-381
- HB 464**, relative to plant closing notification. Question, substitute re-refer to committee for inexpedient to legislate. Yeas, 142; Nays, 200 .....600-603
- HB 485**, relative to living wills. Question, substitute re-refer to committee for ought to pass with amendment. Yeas, 38; Nays, 300 .....596-599
- HB 538**, to limit the terms of office for the members of the United States Congress from New Hampshire, and to limit the terms of office for the members of the New Hampshire house and senate. Question, adopt committee report of inexpedient to legislate. Yeas, 292; Nays, 40 .....277-281
- HB 546-FN**, granting school districts the opportunity to vote to authorize the expenditure of public funds as reimbursement for private education. Question, substitute re-refer to committee for committee report of inexpedient to legislate. Yeas, 150; Nays, 188 .....529-532
- HB 593-FN-A**, relative to the rate of the business profits tax. Question, adopt committee report of ought to pass. Yeas, 150; Nays, 216.....121-124  
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- HB 594-FN**, relative to repealing the law relative to the reorganization of Public Service Company of New Hampshire. Question, substitute re-refer to the joint legislative committee on the PSNH reorganization for inexpedient to legislate. Yeas, 119; Nays, 230.....349-352
- HB 606-FN**, prohibiting discrimination on the basis of sexual orientation or national origin. Question, substitute ought to pass for inexpedient to legislate. Yeas, 107; Nays, 236.....541-544
- HB 620-FN**, relative to the transportation of alcohol in open containers. Question, lay on table. Yeas, 101; Nays, 197.....1008-1011

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| HB 649-FN, relative to the cigarette tax. Question, pass over<br>governor's veto. Yeas, 123; Nays, 220 .....   | 1226-1229 |
| HB 670-FN, relative to condominium conversion of manufactured<br>housing parks. Question, substitute ought to pass with amendment<br>for re-refer to committee. Yeas, 196; Nays, 124 .....   | 623-626   |
| HB 674-FN, designating segments of the Pemigewasset, Contoocook and<br>North Branch of the Contoocook Rivers as protected rivers.<br>Question, adopt section 1, VI. Yeas, 263; Nays, 56 .....  | 637-640   |
| HB 720-FN, relative to fireworks. Question, substitute ought to<br>pass for without recommendation. Yeas, 178; Nays, 151 .....   | 652-655   |
| HB 729-FN, placing New Hampshire public elementary and secondary schools<br>under state administration and control. Question, substitute<br>ought to pass for inexpedient to legislate. Yeas, 76; Nays, 266 .....  | 282-285   |
| HB 731-FN, to move liquor licensing and enforcement to the department<br>of safety. Question, substitute ought to pass for inexpedient to<br>legislate. Yeas, 64; Nays, 269 .....  | 608-611   |
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|                |  |
|----------------|--|
| adop           | adopted  |
| am             | amended, amendment   |
| Approp         | referred to Appropriations committee                           |
| Com            | re-referred to committee                                       |
| conc           | concurred, concurrence   |
| conf           | conference committee   |
| enr            | enrolled   |
| Exec. Depts    | referred to Executive Departments and Administration committee |
| ext            | extension of time for hearing                                  |
| intro          | introduced, introduction                                       |
| IP             | indefinitely postponed   |
| K              | killed (inexpedient to legislate)                              |
| (K)            | final action in 2nd body                                       |
| LT             | laid on table  |
| nonconc        | nonconcurred   |
| opin           | opinion  |
| psd            | passed   |
| RC             | roll call  |
| rcmt           | recommitted  |
| recon          | reconsideration, reconsidered                                  |
| rej            | rejected   |
| rem            | removed from consent calendar                                  |
| rep            | report   |
| req            | requests, requested  |
| S              | Senate   |
| S Ct           | New Hampshire Supreme Court                                    |
| SO             | special order  |
| study          | referred to interim study committee                            |
| Ways and Means | referred to Ways and Means committee                           |
| withd          | withdrawn  |

# 1991 SESSION

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- HB 1-FN-A**, relative to a medicaid enhancement tax, creating a medicaid enhancement fund and making an appropriation therefor. (Burns, Coos 5, et al, to Ways and Means)  
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- HB 2 - 23**, not introduced
- HB 24-FN**, prohibiting departments from mandating by rule programs or responsibilities to political subdivisions without full funding. (Gross, Merrimack 16, to Legislative Administration)  
46, Com 227, 1254
- HB 25-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1992, and June 30, 1993. (Hager, Merrimack 21, to Appropriations)  
remarks 240, intro 393, am (5 RC) 785-809, psd 842, nonconc S am, conf 1084, 1094, 1215, briefing 1092-1093, rep adop (RC) 1217-1221, enr 1233 (Chapter 312)
- HB 26-A**, relative to state revenues and expenditures for fiscal years 1992 (Hager, Merrimack 21, to Appropriations)  
remarks 240, intro 393, am & LT 809
- HB 27 - 34**, not introduced
- HB 35-A**, making appropriations for capital improvements. (G. Chandler, Carroll 1, to Public Works)  
183, am (3 RC) & Approp 655-672, am (RC) 753-765, psd 781, nonconc S am, conf 1081, 1095, rules susp & rep adop (RC) 1203-1207, enr am & enr 1217 (Chapter 351)
- HB 36 - 39**, not introduced
- HB 40-FN-A**, relative to a business receipts tax and making an appropriation therefor. (D. Sytek, Rockingham 20, to Ways and Means)  
**new title:** relative to certain state taxes and making an appropriation therefor.  
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1085, am (6 RC) 1100-1145, psd 1146, conc S am 1229, enr 1235 (Chapter 353)
- HB 41**, relative to setting the moose season. (Perham, Hillsborough 10, et al, to Fish and Game)  
**new title:** relative to setting the moose season and reducing collisions between moose and motor vehicles.  
1085, am 1099-1100, psd 1146, S conc 1207, enr 1214 (Chapter 352)
- HB 42 - 49**, not introduced
- HB 50-FN-A**, relative to state revenue and expenditures. (Gross, Merrimack 16, et al, to Appropriations)  
40, LT 71-72, am (4 RC) 156-170, psd 182, nonconc S am, conf 617, 644, 675, rep adop (RC) 676-680, enr 700, appointments 1273 (Chapter 4)
- HB 51-FN**, relative to determining employer contribution rates in the New Hampshire retirement system, eliminating the "special account" as a means of funding cost of living adjustments, and providing limited cost of living adjustments. (R. Campbell, Belknap 5, to Executive Departments and Administration)  
**new title:** relative to the normal contribution rate for retirement system members and establishing a committee to study retirement system benefits and making an appropriation therefor.  
40, am & psd 72-75, conc S am 181-182, enr 185, appointments 1261 (Chapter 1)
- HB 52**, relative to the administration of the New Hampshire retirement system. (Gross, Merrimack 16, to Executive Departments and Administration)  
**new title:** relative to group health insurance participation by members of the general court.  
56, am 535, psd 557, S conc 874, enr 904 (Chapter 69)
- HB 53-FN-A**, establishing a continually appropriated state park fund and a ski area funding mechanism. (LaMott, Grafton 5, et al, to Resources, Recreation and Development)  
87, am & Approp 263, am, rules suspended, psd 765-766, S conc 845, enr 846 (Chapter 40)
- HB 54-FN**, eliminating the laws regarding children in need of services. (Gross, Merrimack 16, to Children, Youth and Juvenile Justice)  
**new title:** relative to the laws regarding children in need of services.  
**2nd new title:** establishing a committee to study the laws regarding children in need of services.  
87, SO 475, am (RC) 567-584, psd 617, conc S am 1022, enr 1042, appointments 1261 (Chapter 192)
- HB 55-FN**, establishing the New Hampshire countryside fund and making an appropriation therefor. (Gross, Merrimack 16, to Resources, Recreation and Development)  
51, Com 117, 1254
- HB 56-FN**, relative to school building aid. (Gross, Merrimack 16, to Education)  
87, K 281
- HB 57-FN**, relative to budget reductions which may be ordered by the governor. (Gross, Merrimack 16, to Appropriations)  
87, K 766



- HB 58, establishing a Martin Luther King Day. (Gross, Merrimack 16, to Executive Departments and Administration)  
51, rem 477, SO 617, K 627-628
- HB 59-FN, establishing a moratorium on private correctional facilities and creating a private prison task force. (Gross, Merrimack 16, to Public Works)  
51, rem 221, K 242
- HB 60-FN, relative to a property tax exemption for low income residents. (Gross, Merrimack 16, to Municipal and County Government)  
87, K 368
- HB 61-FN, relative to the distribution of moneys received as a result of the commission of a crime. (Gross, Merrimack 16, to Judiciary)  
87, rem 477, SO 617, Com 628, 1254
- HB 62-FN, relative to retirement allowances under the New Hampshire retirement system. (R. Campbell, Belknap 5, to Executive Departments and Administration)  
46, ext 245, SO 535, am & Approp 566-567, psd 766, 781, nonconc S am, conf 1081, 1095, rep adop 1164, enr 1180 (Chapter 313)
- HB 63-FN, relative to mental health insurance benefits. (Gross, Merrimack 16, to Commerce, Small Business and Consumer Affairs)  
46, K 246
- HB 64-FN-A, to impose a nuclear electricity generation tax. (Ahrens, Hillsborough 13, to Ways and Means)  
new title: relative to establishing a tax on nuclear station property and making an appropriation therefor.  
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56, SO 713, am (RC) & remarks 740-753, psd 781, nonconc S am, conf 1084, 1095, 1215, rules suspended & rep adopt (RC) 1229-1233, enr am 1234, enr 1235 (Chapter 354)
- HB 65-FN-A, relative to a furlough program for employees of the state. (Gross, Merrimack 16, et al, to Appropriations)  
new title: relative to administration and enforcement of the securities laws, state employee benefits, and state fees, funds, revenues, and expenditures.  
2nd new title: relative to state fees, funds, revenues and expenditures.  
87, am (2 RC) 810-839, psd 842, nonconc S am, conf 1084, 1095, 1215, rep adop (RC) 1221-1224, enr 1235, appointments 1261 (Chapter 355)
- HB 66 - 74, not introduced
- HB 75-FN-A, relative to the medicaid enhancement tax. (Burns, Coos 5, et al)  
new title: relative to a supplemental medicaid tax and continually appropriating its proceeds in the medicaid enhancement fund.  
rules suspended, intro, am & psd (RC) 1242-1249, S conc & enr 1253 (Chapter 390)
- HB 76-99, not introduced
- HB 100, clarifying when a school bus driver must pull over to let other drivers pass. (J. Flanders, Rockingham 10, to Transportation)  
40, am 156, psd 182, S nonconc 846
- HB 101-FN, relative to metered motor fuel deliveries. (P. White, Grafton 6, to Commerce, Small Business and Consumer Affairs)  
40, K 66
- HB 102, relative to a state budget spending cap. (Bucio, Rockingham 20, et al, to Appropriations)  
40, K 72
- HB 103, relative to the time period for perfection of a purchase money security interest under the uniform commercial code. (B. Gage, Rockingham 20, to Commerce, Small Business and Consumer Affairs)  
40, psd 66, 86, S conc 784, enr 843 (Chapter 8)
- HB 104-FN, relative to a public water rights report and advisory committee. (Conroy, Rockingham 7, et al, to Resources, Recreation and Development)  
new title: relative to a public water rights report and advisory committee and relative to water usage by registered hydroelectric facilities.  
40, am 118-120, psd 127, nonconc S am, conf 1046, 1064, rep adop 1164, enr am 1192, enr 1213, appointments 1261 (Chapter 356)
- HB 105, making English the official language of the state of New Hampshire. (Raynowska, Rockingham 20, et al, to Education)  
40, SO 170, K (RC) 186-190
- HB 106-FN, establishing a committee to study the feasibility of an enhanced statewide uniform emergency 911 telephone system. (Salatiello, Belknap 3, et al, to Commerce, Small Business and Consumer Affairs)  
40, am 111-112, psd 126, S conc 739, enr 810, appointments 1262 (Chapter 9)

- HB 107-FN**, eliminating registration fees for class AA dams. (Ziegra, Belknap 6, et al, to Resources, Recreation and Development)  
**new title:** relative to registration fees for dams.  
**2nd new title:** eliminating registration fees for class AA dams.  
 40, am & Approp 142, am 707, psd 736, conc S am 1046, enr 1146 (Chapter 287)
- HB 108**, prohibiting the legislature from clearing title to a deed through legislation. (Record, Hillsborough 23, et al, to Municipal and County Government)  
 41, K 67
- HB 109-FN**, relative to ballots for districts which elect more than one state representative. (Flanagan, Rockingham 8, et al, to Constitutional and Statutory Revision)  
 41, K 72
- HB 110-FN**, increasing the fees for licenses to carry loaded pistols and revolvers. (Chase, Rockingham 28, et al, to Public Protection and Veterans Affairs)  
 41, rem 65, K (RC) 79-82
- HB 111**, relative to recording of information concerning well radii. (Roulston, Rockingham 20, to Resources, Recreation and Development)  
**new title:** relative to protective well radii.  
 41, am 369-371, psd 392, conc S am 1046, enr 1091 (Chapter 215)
- HB 112-FN**, relative to the length of time for which variances to zoning ordinances may be granted. (Roulston, Rockingham 20, et al, to Municipal and County Government)  
 41, K 114
- HB 113**, relative to weighted voting in school administrative unit affairs. (Larson, Grafton 9, et al, to Education)  
 41, psd 66, 86, S conc 910, enr 1020 (Chapter 155)
- HB 114-FN**, relative to the date for terminating the motor vehicle emissions inspection program. (Stewart, Grafton 4, et al, to Environment and Agriculture)  
**new title:** relative to the date for terminating the motor vehicle emissions inspection program and granting administrative fine authority to the division of air resources and public health services.  
**2nd new title:** relative to the date for terminating the motor vehicle emissions inspection program.  
 41, ext 110, SO 395, am & Approp 471-473, am 708, psd 736, S conc 845, enr 872 (Chapter 48)
- HB 115-FN**, relative to an elderly property tax increase limitation. (Parr, Rockingham 17, et al, to Municipal and County Government)  
 41, K 118
- HB 116**, relative to a definition of active military service in relation to representatives and senators. (Gross, Merrimack 16, to Public Protection and Veterans Affairs)  
**new title:** relative to vacancies in the New Hampshire general court.  
 41, am 70, psd 86, conc S am 1046, enr 1060 (Chapter 216)
- HB 117-FN**, relative to housekeeping changes in the weights and measures laws. (Millard, Merrimack 4, to Environment and Agriculture)  
 41, psd 66, 86, S conc 784, enr 843 (Chapter 10)
- HB 118**, relative to determination of alimony where one spouse has remarried. (Record, Hillsborough 23, et al, to Judiciary)  
 41, am 205, psd 219, conc S am 912, enr 1005 (Chapter 123)
- HB 119-FN**, relative to bottled water. (Millard, Merrimack 4, et al, to Resources, Recreation and Development)  
 41, K 71
- HB 120**, to standardize the use of tax exemptions and tax credits for property tax purposes. (Grodin, Cheshire 6, to Municipal and County Government)  
 41, am 67-70, psd 86, S conc 845, enr 903 (Chapter 70)
- HB 121-FN**, relative to limiting the mode of taking deer in Rollinsford. (Jankowski, Strafford 5, to Fish and Game)  
**new title:** relative to limiting the mode of taking deer in Dover, Rollinsford and Somersworth.  
 41, am 113, psd 126, conc S am 785, enr 846 (Chapter 41)
- HB 122**, relative to placing ballots directly in the ballot box. (Therault, Coos 8, et al, to Constitutional and Statutory Revision)  
 41, am 203-204, psd 219, S nonconc 1064
- HB 123-FN**, prohibiting merchants from requiring credit cards as identification from customers paying by check. (Guay, Coos 7, to Commerce, Small Business and Consumer Affairs)  
 41, ext 146, K 358
- HB 124**, relative to liability of corporate officers. (T. Christie, Merrimack 9, to Judiciary)  
 41, K 66-67
- HB 125**, relative to the width of drink rails. (Behrens, Sullivan 3, et al, to Regulated Revenues)  
**new title:** relative to drink rails.  
 41, am 117, psd 126, S conc 618, enr 683 (Chapter 2)

- HB 126**, relative to rules in manufactured housing parks. (Lozeau, Hillsborough 25, to State Institutions and Housing)  
42, K (RC) 212-215
- HB 127**, changing the name of Fast Day to Civil Rights Day. (Domaingue, Hillsborough 42, et al, to Executive Departments and Administration)  
**new title:** establishing Civil Rights Day and abolishing Fast Day.  
42, ext 146, am (RC) 536-540, psd 557, nonconc S am 912
- HB 128-FN**, excluding certain types of violations by persons 16 years of age or over from the application of laws regarding children in need of services. (Fields, Hillsborough 13, to Children, Youth and Juvenile Justice)  
42, ext 110, K 221
- HB 129-FN**, relative to monitoring the reassessment of taxable property by the department of revenue administration. (Perry, Cheshire 10, to Municipal and County Government)  
42, psd 75, 86, nonconc S am 1046
- HB 130-FN**, relative to mass transportation in certain cities. (Nardi, Hillsborough 35, et al, to Municipal and County Government)  
42, am 153, psd 182, S nonconc 912
- HB 131-FN**, relative to liability for acts which create situations requiring unnecessary emergency responses. (Daly, Carroll 3, et al, to Public Protection and Veterans Affairs)  
42, am 70-71, psd 86, nonconc S am, conf 912, 1021, rep adop 1164, enr 1180 (Chapter 314)
- HB 132-FN**, reclassifying portions of certain highways in the town of Sandwich. (Marsh, Coos 1, to Public Works)  
42, psd 116, 126, S conc 739, enr 810 (Chapter 11)
- HB 133**, relative to the right to know law. (Holbrook, Belknap 13, to Judiciary)  
42, ext 146, rem 477, SO 617, am (RC) 628-633, psd 674, conc S am 954, enr 1059 (Chapter 217)
- HB 134-FN**, relative to convening county charter commissions. (Salatiello, Belknap 3, to Municipal and County Government)  
42, K 70
- HB 135**, relative to the term of office for county sheriffs. (Chase, Rockingham 28, et al, to Constitutional and Statutory Revision)  
42, K 66
- HB 136-FN**, relative to current use assessments and the land use change tax. (E. Greene, Rockingham 18, et al, to Environment and Agriculture)  
42, ext 110, SO 330, am 340-343, psd 391, conc S am 1081, enr 1091 (Chapter 281)
- HB 137-FN**, relative to railroad rights-of-way. (Hoar, Rockingham 6, et al, to Transportation)  
42, am 142-143, psd 144, conc S am 1066, enr 1091 (Chapter 282)
- HB 138-FN**, relative to spousal support. (Lown, Hillsborough 9, to Judiciary)  
42, am 197, psd 219, S conc 739, enr 810 (Chapter 12)
- HB 139-FN**, relative to fair credit billing. (Drolet, Hillsborough 8, et al, to Commerce, Small Business and Consumer Affairs)  
42, ext 146, psd 378, 392, S study 912, 1259
- HB 140-FN**, allowing 18-year-old students to register to vote at high schools. (P. Brown, Grafton 11, et al, to Constitutional and Statutory Revision)  
42, K 72
- HB 141-FN**, relative to limiting the mode of taking deer in Dover. (Corte, Strafford 6, et al, to Fish and Game)  
42, am 196, psd 219, S nonconc 739
- HB 142-FN**, relative to school district budgets. (Ferguson, Hillsborough 10, to Education)  
**new title:** relative to school district budgets and to the Tilton and Northfield Union school district.  
**2nd new title:** relative to school district budgets, the Tilton and Northfield Union school district and the Winnisquam regional school district.  
42, am 112-113, psd 126, nonconc S am, conf 1046-1047, 1064, rep adop 1164, enr am 1192-1193, enr 1213 (Chapter 357)
- HB 143-FN**, relative to the liquor commission's authority to close liquor stores. (Larson, Grafton 9, et al, to Regulated Revenues)  
42, am & Approp 206-207, psd 708, 736, nonc S am, conf 1082, 1095, rep adop 1164, enr 1180 (Chapter 349)
- HB 144-FN**, exempting municipalities from annual dam registration and classification fees and eliminating registration fees for class AA dams. (Elliott, Hillsborough 2, et al, to Resources, Recreation and Development)  
42-43, K 71
- HB 145-FN**, expanding the definition of "residential real estate" for the purposes of the veterans' tax exemptions. (Scanlan, Grafton 11, to Municipal and County Government)  
43, K 114

- HB 146-FN-A**, to establish a uniform business tax and making an appropriation therefor. (Ahrens, Hillsborough 13, to Ways and Means)  
**new title:** relative to the rate of the business profits tax.  
 43, am (2 RC) 713-721, psd 736, nonconc S am, conf 1084, 1095 K
- HB 147**, relative to the information required on declarations of candidacy, primary petitions, and affidavits for qualifications of candidates. (F. Riley, Hillsborough 44, to Constitutional and Statutory Revision)  
 43, psd 66, 86, conc S am 1047, enr 1060 (Chapter 218)
- HB 148**, relative to the duties and liabilities of roller skating facility operators and roller skaters. (Fields, Hillsborough 13, to Judiciary)  
 43, K 225
- HB 149-FN-A**, relative to a liquor store in Center Harbor and making an appropriation therefor. (Salatiello, Belknap 3, et al, to Regulated Revenues)  
 43, K 141
- HB 150**, relative to the observance of Memorial Day. (Hoar, Rockingham 6, et al, to Public Protection and Veterans Affairs)  
 43, K (RC) 75-79, recon rej 85
- HB 151-FN**, establishing a committee to study the use and preservation of the buildings and grounds at the state hospital. (W. Boucher, Rockingham 23, to State Institutions and Housing)  
 43, K 238
- HB 152**, relative to electing the executive committee for the county convention in Merrimack county. (Whittemore, Merrimack 10, et al, to Municipal and County Government)  
 43, K 153-154
- HB 153-FN**, to regulate the handling of manure, agricultural compost and chemical fertilizers. (Teschner, Grafton 5, to Environment and Agriculture)  
 43, am 251-252, psd 331, S conc 785, enr 843 (Chapter 13)
- HB 154**, relative to electing Belknap county commissioners and relative to printing county convention proceedings in Belknap county. (Maviglio, Belknap 1, et al, to Municipal and County Government)  
 44, rem 111, am 125-126, psd 127, S conc 1063, enr 1060 (Chapter 219)
- HB 155**, relative to notice to tenants of manufactured housing park foreclosure. (McRae, Hillsborough 6, to State Institutions and Housing)  
 44, ext 186, Com 376, 1254
- HB 156-FN-A**, establishing a committee to study the feasibility of constructing an access road from West Franklin to exit 19 on I-93 and making an appropriation therefor. (Whittemore, Merrimack 10, et al, to Public Works)  
 44, K 289
- HB 157-FN**, relative to designating trauma care centers. (Cowenhoven, Hillsborough 9, et al, to Health, Human Services and Elderly Affairs)  
 44, SO 171, Approp 191, K 766-767
- HB 158**, relative to highway safety for riders and drivers of horses. (Benton, Rockingham 5, to Transportation)  
**new title:** relative to highway safety for riders and drivers of animals.  
 44, am 216-218, psd 219, nonconc S am 1047
- HB 159-FN-A**, making a supplemental appropriation to the board of tax and land appeals. (Schootanus, Sullivan 1, et al, to Appropriations)  
 44, K 708
- HB 160-FN**, requiring persons 14 years of age or older who are charged with certain crimes to be tried as adults. (Rosencrantz, Rockingham 15, et al, to Children, Youth and Juvenile Justice)  
 44, K 65
- HB 161-FN**, to allow former federal employees to purchase credit for their federal services as creditable service in the New Hampshire retirement system. (M. Hill, Merrimack 14, et al, to Executive Departments and Administration)  
**new title:** to allow former federal employees to purchase credit for their federal services as creditable service, relative to providing retirement benefits upon the death of certain group I and group II members, and to define employer participation in the retirement system.  
**2nd new title:** relative to retirement system benefits and retirement system membership eligibility.  
**3rd new title:** relative to retirement system benefits and retirement system membership eligibility and making an appropriation from the retirement system administrative account.  
 44, ext 245, am & Approp 646-650, am 767-768, psd 781, nonconc S am, conf 1047, 1064, rep adop 1164, enr am 1193, enr 1213 (Chapter 358)
- HB 162-FN**, extending the committee studying a statewide trauma care system. (Cowenhoven, Hillsborough 9, et al, to Health, Human Services and Elderly Affairs)  
 44, SO 171, am 191-192, psd 219, S conc 785, enr 843 (Chapter 14)



- HB 163**, permitting consideration of annulled criminal records in the hiring and certification process for law enforcement officers. (Fields, Hillsborough 13, to Public Protection and Veterans Affairs)  
44, K 155
- HB 164-FN**, establishing an unclassified attorney position within the department of corrections. (D. Sytek, Rockingham 20, to Executive Departments and Administration)  
44, Com 143, 1254
- HB 165-FN**, relative to right to trial by jury in small claims cases. (Coffey, Rockingham 18, to Judiciary)  
44, K 362
- HB 166**, relative to registering voters in cooperative school districts. (Barberia, Merrimack 6, et al, to Constitutional and Statutory Revision)  
**new title:** relative to voting in cooperative school districts.  
44, am 149, psd 182, conc S am 1047, enr 1061 (Chapter 220)
- HB 167-FN**, relative to airman certificates and fees. (Stewart, Grafton 4, to Transportation)  
44, psd 143, 144, S conc 739, enr 810 (Chapter 15)
- HB 168**, relative to highway classifications. (Marsh, Coos 1, et al, to Municipal and County Government)  
44, am 154, psd 182, conc S am 912, enr 1005 (Chapter 124)
- HB 169-FN**, relative to the disposition of revenues collected under the land use change tax. (Robinson, Hillsborough 12, et al, to Municipal and County Government)  
44, ext 146, am 396-398, psd 554, conc S am 912, enr 1020 (Chapter 156)
- HB 170-FN**, to provide immunity to the board of examiners of psychologists, its agents, investigators, and employees against civil actions resulting from disciplinary investigations and proceedings. (Soldati, Merrimack 19, to Judiciary)  
45, am 225-226, psd 244, S conc 845, enr 872 (Chapter 49)
- HB 171-FN**, relative to maintaining the "Old Man of the Mountain." (Nielsen, Grafton 8, et al, to Public Works)  
**new title:** relative to maintaining the "Old Man of the Mountain" and relative to the Conway village fire district and making an appropriation therefor.  
45, am 116-117, psd 126, nonconc S am, conf 1066, 1081, LT & rep adop 1165, enr am 1193, enr 1213, (Chapter 359)
- HB 172-FN**, relative to private lease of state railroad real estate. (Hoar, Rockingham 6, et al, to Transportation)  
45, am 203, psd 219, S nonconc 912
- HB 173-FN**, establishing a committee to study recodification of the fire laws. (Jeffrey M. Brown, Rockingham 14, to Public Protection and Veterans Affairs)  
**new title:** establishing a committee to study certain provisions of RSA 154 relative to powers and duties of firewards.  
45, am 445-446, psd 556, S conc 1022, enr 1042, appointments 1262 (Chapter 157)
- HB 174**, requiring the appointment of deputy town clerks by the elected town clerk. (Klemarczyk, Rockingham 13, et al, to Municipal and County Government)  
**new title:** relative to the appointment of a deputy town clerk by the elected town clerk.  
45, am 114-115, psd 126, conc S am 846, enr 903 (Chapter 71)
- HB 175-FN**, relative to the hunting of pheasants. (Theriault, Coos 8, to Fish and Game)  
45, am 113, psd 126, conc S am 912, enr 1005 (Chapter 125)
- HB 176-FN**, relative to conditions on mortgage loans. (Whitcomb, Grafton 1, to State Institutions and Housing)  
45, K 118
- HB 177-FN**, relative to the cost of notice of a public hearing held by a zoning board of adjustment. (K. Cole, Cheshire 3, to Municipal and County Government)  
45, K 115
- HB 178**, enabling municipalities to establish review boards to address grievances of tenants and owners of manufactured housing parks. (Katsakiores, Rockingham 7, to Municipal and County Government)  
45, K 115
- HB 179**, relative to authorization of treatment for communicable diseases. (W. F. McCain, Rockingham 11, to Health, Human Services and Elderly Affairs)  
45, psd 152, 182, S conc 618, enr 683 (Chapter 3)
- HB 180-FN**, to establish a study committee to evaluate whether a consortium of all institutional law libraries in the greater Concord area is economically feasible and practical. (S. Green, Hillsborough 36, et al, to State Institutions and Housing)  
**new title:** to establish a study committee to evaluate whether a consortium of all law libraries in the greater Concord area is economically feasible and practical.  
**2nd new title:** to establish a study committee to evaluate whether a consortium of all law libraries within the state of New Hampshire is economically feasible and practical.  
45, am 216, psd 219, conc S am 785, enr 872, appointments 1262 (Chapter 50)

- HB 181-FN**, relative to transportation of a ward committed to New Hampshire hospital. (Martling, Strafford 4, to Public Protection and Veterans Affairs)  
45, K 71
- HB 182-FN**, authorizing the interception of wire or oral communications regarding securities crimes. (B. Packard, Hillsborough 15, to Judiciary)  
45, rcmt 182, Com 426-427, 1254
- HB 183-FN**, relative to the imposition of fines for securities violations. (B. Packard, Hillsborough 15, to Judiciary)  
45, am 226, psd 244, S conc 845, enr 846 (Chapter 42)
- HB 184-FN**, relative to civil penalties for securities violations. (B. Packard, Hillsborough 15, to Judiciary)  
45, am 226, psd 244, S conc 1022, enr 1042 (Chapter 158)
- HB 185**, relative to certain security transactions exempted from registration. (B. Packard, Hillsborough 15, to Commerce, Small Business and Consumer Affairs)  
45, am 147, psd 182, S conc 785, enr 843 (Chapter 16)
- HB 186**, relative to isolated sales of securities. (B. Packard Hillsborough 15, to Commerce, Small Business and Consumer Affairs)  
45, psd 147, 182, S conc 785, enr 843 (Chapter 17)
- HB 187**, including agents of investment advisors in the definition of "agent" under the securities laws. (B. Packard, Hillsborough 15, to Commerce, Small Business and Consumer Affairs)  
45, am 147, psd 182, S conc 910, enr 952 (Chapter 126)
- HB 188**, clarifying definitions of "investment metal contract" and "investment gem contract" for purposes of securities regulation. (B. Packard, Hillsborough 15, to Commerce, Small Business and Consumer Affairs)  
45, psd 147, 182, S conc 845, enr 846 (Chapter 43)
- HB 189**, relative to the rulemaking authority of the director of the office of securities regulation. (B. Packard, Hillsborough 15, to Commerce, Small Business and Consumer Affairs)  
46, am 246-247, psd 330, nonconc S am, conf 1084, 1095 (K)
- HB 190**, relative to the taking of bear. (L'Heureux, Hillsborough 13, et al, to Fish and Game)  
46, K 113
- HB 191-FN**, relative to licensing gas fitters. (Asplund, Merrimack 10, et al, to Executive Departments and Administration)  
46, SO 170, K 190-191
- HB 192-FN**, to exempt the real and personal property of societies of Freemasons from taxation. (Chase, Rockingham 28, et al, to Municipal and County Government)  
46, SO 330, K 356
- HB 193-FN**, authorizing the state to enter into a lease-purchase agreement with the town of Milford for a new district courthouse. (D. Wheeler, Hillsborough 10, to Public Works)  
**new title:** relative to lease-purchase agreements for district courthouses, meetings of the Auburn district court, study committees on the district courts, and making a supplemental appropriation for renovation of the Rochester Post Office as a district court facility.  
46, Approp 117, psd 768, 781, conc S am 1082, enr 1146, appointments 1263 (Chapter 288)
- HB 194-FN**, to require the wearing of motorcycle protective headgear. (Copenhaver, Grafton 12, et al, to Transportation)  
46, K 203
- HB 195-FN-A**, relative to appointment of legal counsel and investigations by the board of examiners of psychologists, and continually appropriating funds for such purposes. (Foss, Strafford 10, to Executive Departments and Administration)  
46, K 141
- HB 196-FN**, relative to a tie vote in town elections. (E. Clark, Cheshire 3, et al, to Constitutional and Statutory Revision)  
46, K 143
- HB 197-FN**, relative to a tuition reduction for employees of the department of safety. (Senter, Rockingham 9, et al, to Executive Departments and Administration)  
46, K 141
- HB 198-FN**, relative to calculation of fees for motor vehicle registration permits. (Klemarczyk, Rockingham 13, et al, to Transportation)  
47, K 218
- HB 199-FN**, restricting the use of electronic collars and telemetry equipment used in connection with dogs during the bear hunting season. (Scanlan, Grafton 11, to Fish and Game)  
47, K 114
- HB 200**, relative to the approval of union contracts by the county convention and its executive committee. (Ahrens, Hillsborough 13, to Municipal and County Government)  
47, K 115
- HB 201**, relative to the authority of the pharmacy board to seize evidence. (D. Sytek, Rockingham 20, to Judiciary)  
47, Com 362, 1254

- HB 202-FN**, to extend the time period within which a corporation may reinstate its charter. (Flanagan, Rockingham 8, to Constitutional and Statutory Revision)  
**new title:** to extend the time period within which a corporation may reinstate its charter, relative to revival of charters of voluntary corporations, and reviving the charter of the Bristol Federated Church.  
**2nd new title:** to extend the time period within which a corporation may reinstate its charter, relative to revival of charters of voluntary corporations, and reviving certain charters.  
 47, am 150-151, psd 182, conc S am 739, enr 783 (Chapter 7)
- HB 203-FN**, relative to the confidentiality of quality assurance records of community mental health centers. (K. Foster, Cheshire 17, to Health, Human Services and Elderly Affairs)  
 47, SO 171, psd 192, 219, nonconc S am, conf 912, 1021, rep adop 1165, enr 1180 (Chapter 315)
- HB 204-FN**, requiring certain hunters to wear hunter orange. (Jasper, Hillsborough 19, to Fish and Game)  
 47, K 152
- HB 205**, restricting the method of taking freshwater smelt. (Drake, Rockingham 18, to Fish and Game)  
 47, ext 146, am 255-256, psd 331, S conc 1022, enr 1042 (Chapter 193)
- HB 206**, relative to OHRV noise levels. (Hoar, Rockingham 6, to Transportation)  
 47, rem 193, rcmt 218, Com 462, 1254
- HB 207**, relative to permitting housing discounts to senior citizens. (Dunn, Merrimack 21, to State Institutions and Housing)  
 47, K 376
- HB 208-FN**, relative to annulments of criminal records. (D. Sytek, Rockingham 20, to Judiciary)  
 47, psd 427, 555, conc S am 913, enr 1020 (Chapter 159)
- HB 209-FN**, relative to conflicts between the municipal budget law and collective bargaining negotiations. (Golden, Belknap 7, et al, to Municipal and County Government)  
 47, SO 171, am 192-193, psd 219, S conc 954, enr 1020 (Chapter 160)
- HB 210-FN**, creating a committee to study artificial impoundments. (Marston, Strafford 6, to Resources, Recreation and Development)  
**new title:** creating a committee to study artificial impoundments, relative to the department of environmental services revolving fund and abolishing the office of state geologist.  
**2nd new title:** creating a committee to study artificial impoundments and relative to the department of environmental services revolving fund.  
 47, am 233-234, psd 244, nonconc S am, conf 1047, 1064, rep adop 1165, enr am 1193, appointments 1263 (Chapter 360)
- HB 211-FN-A**, relative to administrative fees of the air resources division and continually appropriating such fees. (E. Greene, Rockingham 18, et al, to Environment and Agriculture)  
 47, am & Approp 285-286, psd 768, 781, S conc 1044, enr 1168 (Chapter 289)
- HB 212-FN**, relative to black bear hunting licenses. (Perham, Hillsborough 10, et al, to Fish and Game)  
 47, am 114, psd 126, conc S am 1047, enr 1060 (Chapter 221)
- HB 213-FN**, relative to rates set for medicaid and the administrative procedure act. (Fair, Merrimack 7, to Health, Human Services and Elderly Affairs)  
 47, psd 152, 182, conc S am 875, enr 905 (Chapter 127)
- HB 214-FN-A**, creating a new class of highways for access to public waters and making an appropriation therefor. (W. Boucher, Rockingham 23, et al, to Fish and Game)  
 47, Com 288, 1254
- HB 215-FN**, relative to removing vegetation obstructing advertising devices and planting lilac bushes. (A. Torr, Strafford 6, et al, to Environment and Agriculture)  
 47, SO 330, K 343
- HB 216-FN**, prohibiting the use of non-biodegradable packaging for bait containers. (McKinney, Rockingham 23, et al, to Environment and Agriculture)  
 48, SO 170, K 190
- HB 217-FN**, instituting a mandatory elderly tax credit for individuals over 62 years of age. (Rubin, Rockingham 19, to Municipal and County Government)  
 48, K 154
- HB 218-FN**, to establish a local property tax homestead exemption. (Rubin, Rockingham 19, to Municipal and County Government)  
 48, K 154

- HB 219-FN**, establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital for certain state offices. (Parks, Strafford 6, to State Institutions and Housing)  
**new title:** establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital, including the Walker building, for certain state offices.  
 48, rem 221, am 242-243, psd 244, S nonconc 739
- HB 220-FN**, repealing the art fund. (F. Riley, Hillsborough 44, to State Institutions and Housing)  
 48, K 202
- HB 221-FN**, relative to respite care for Alzheimer's disease. (Nardi, Hillsborough 35, et al, to Health, Human Services and Elderly Affairs)  
 48, psd 153, 182, S conc 911, enr 905 (Chapter 128)
- HB 222-FN**, requiring certain persons to complete a hunter education program. (W. H. McCann, Strafford 7, et al, to Fish and Game)  
 48, rem 111, K 125
- HB 223-FN**, limiting the interest rate on consumer credit cards to the highest interest rate allowed by a bordering state. (Rosencrantz, Rockingham Dist. 15, et al, to Commerce, Small Business and Consumer Affairs)  
 48, K 112
- HB 224-FN**, relative to new motor vehicle arbitration. (Pelley, Strafford 10, et al, to Commerce, Small Business and Consumer Affairs)  
 48, am 194-195, psd 219, conc S am 1007, enr 1061 (Chapter 222)
- HB 225**, relative to representatives- and senators-elect called to active duty. (Krueger, Sullivan 6, to Public Protection and Veterans Affairs)  
 48, K 115-116
- HB 226-FN-A**, relative to reimbursing the Plymouth school district for certain expenses and making an appropriation therefor. (P. White, Grafton 6, to Education)  
 48, am & Approp 151, K 768-769
- HB 227-A**, reappropriating funds appropriated for the Concord district court facility for off-site traffic-related improvements. (Hayes, Merrimack 21, to Public Works)  
 48, K 198
- HB 228-FN-A**, relative to augmentative communication devices and making an appropriation therefor. (W. H. McCann, Strafford 7, et al, to Health, Human Services and Elderly Affairs)  
 48, Com 153, 1254
- HB 229-FN**, relative to legislative review of the New Hampshire statutes. (Rubin, Rockingham 19, to Constitutional and Statutory Revision)  
 48, K 141
- HB 230**, relative to the amount and the application of the veterans' exemption and repealing the optional veterans' exemption. (Rubin, Rockingham 19, et al, to Municipal and County Government)  
 48, K 155
- HB 231-A**, to repeal the increase in the rates of certain state taxes. (T. Christie, Merrimack 9, to Ways and Means)  
 48, rem 246, K (RC) 326-330
- HB 232-FN**, allowing schools and day care providers to check criminal records of applicants for employment. (McKinney, Rockingham 23, to Judiciary)  
 48, K 427
- HB 233**, relative to charter revisions and municipal home rule. (Katsakiores, Rockingham 7, to Municipal and County Government)  
 48, K 261
- HB 234-FN**, requiring grandparents to financially support their daughter's illegitimate children until the illegitimate child is 18 years of age. (T. Christie, Merrimack 9, to Children, Youth and Juvenile Justice)  
 49, K 65
- HB 235-FN**, relative to mandatory risk sharing plans. (Braiterman, Merrimack 3, to Commerce, Small Business and Consumer Affairs)  
 49, K 195
- HB 236-FN**, to increase the transfer fee on vehicles. (Pearson, Cheshire 15, to Transportation)  
 49, K 203
- HB 237-FN**, to increase the local application fee for a certificate of title. (Pearson, Cheshire 15, to Transportation)  
 49, K 203
- HB 238-FN-A**, relative to sewage treatment projects and making an appropriation therefor. (W. H. McCann, Strafford 7, to Public Works)  
 49, K 206
- HB 239**, relative to approving reductions in expenditures for departments. (Nardi, Hillsborough 35, et al, to Appropriations)  
 49, SO 769, K 841



- HB 240.** restricting the use of shorefront waters. (Marston, Strafford 6, to Resources, Recreation and Development)  
**new title:** relative to the disposition of the Kona Wildlife Management Area.  
 49, am 234, psd 244, S conc 740, enr 810 (Chapter 18)
- HB 241.** relative to the age requirement for retirement communities. (Soldati, Merrimack 19, to State Institutions and Housing)  
 49, am 388-389, psd 392, S nonconc 1064
- HB 242-FN.** relative to the powers of county conventions. (R. Campbell, Belknap 5, et al, to Municipal and County Government)  
 49, rem 358, am 391, psd 392, conc S am 954, enr 1042 (Chapter 194)
- HB 243.** relative to the number of signatures required to place a petitioned article on the warrant. (Senter, Rockingham 9, to Municipal and County Government)  
 49, psd 155, 182, S conc 1063, enr 1091 (Chapter 223)
- HB 244-FN.** establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory and punitive damages. (Gross, Merrimack 16, to Executive Departments and Administration)  
**new title:** establishing a committee to examine whether the state commission for human rights should be authorized to levy administrative fines and award compensatory damages.  
 49, rem 141, am & psd 144, conc S am 875, enr am 953-954, enr 1021, appointments 1263 (Chapter 161)
- HB 245.** prohibiting pre-season baiting. (Kinney, Strafford 6, et al, to Fish and Game)  
 49, SO 330, am 346-347, psd 391, conc S am 1007, enr 1059 (Chapter 224)
- HB 246-FN-A.** relative to deputy sheriffs employed as bailiffs and making an appropriation therefor. (R. Foster, Carroll 4, to Judiciary)  
 49, K 259
- HB 247.** relative to unopposed candidates serving as election officials in certain municipalities. (Record, Hillsborough 23, et al, to Constitutional and Statutory Revision)  
 49, K 141
- HB 248-FN.** relative to developments having regional impact. (Metzger, Cheshire 11, et al, to Municipal and County Government)  
 49, psd 118, 126, conc S am 1066, enr am 1171, enr 1179 (Chapter 300)
- HB 249-FN.** requiring the state of New Hampshire to make timely payments on its contracts. (Copenhaver, Grafton 12, et al, to Executive Departments and Administration)  
 49, SO 170, K 191
- HB 250-FN.** relative to the board of nursing. (Copenhaver, Grafton 12, et al, to Executive Departments and Administration)  
 49, SO 330, am 344-346, psd 391, nonconc S am, conf 1047, 1064, rep adop 1165, enr am 1193-1194, enr 1214 (Chapter 361)
- HB 251-FN.** increasing the amount of the tax exemption for postsecondary institutions. (W. Riley, Cheshire 5, to Municipal and County Government)  
 49, K 261
- HB 252-FN-A.** appropriating funds for inspection of apiaries and prevention of honeybee colony contamination. (Millard, Merrimack Dist. 4, to Environment and Agriculture)  
**new title:** establishing a fund for the inspection of apiaries to prevent honeybee colony contamination and making an appropriation therefor.  
 50, am & Approp 286-287, K 708
- HB 253-FN.** naming a certain segment of U.S. Route 202 the General Isaac Davis White highway. (Dyer, Hillsborough 7, et al, to Public Works)  
 50, psd 198, 219, S conc 740, enr 810 (Chapter 19)
- HB 254-FN.** relative to overnight mooring of houseboats. (Bradley, Carroll 6, to Resources, Recreation and Development)  
 50, K 120
- HB 255-FN.** establishing the New Hampshire foundation for mental health and the mental health foundation fund. (K. Foster, Cheshire 17, et al, to Health, Human Services and Elderly Affairs)  
 50, psd 153, 182, S conc 845, enr 872, appointments 1274 (Chapter 51)
- HB 256.** limiting liability of any person, firm or corporation which donates equipment or services to any postsecondary technical training program. (Skinner, Rockingham 21, to Judiciary)  
 50, am 362, psd 392, S conc 845, enr 872 (Chapter 52)
- HB 257.** relative to collection and reclamation of motor vehicle wastes. (Gilmore, Strafford 7, to Environment and Agriculture)  
 50, am 204-205, psd 219, conc S am 1047, enr 1091 (Chapter 225)
- HB 258.** to extend the lapse date for the phase V prison construction appropriation. (D. Sytek, Rockingham 20, et al, to Public Works)  
 50, Approp (RC) 289-293, psd 708-709, 736 (K)
- HB 259.** permitting a municipal governing body to assign street numbers. (R. Wheeler, Hillsborough 6, to Municipal and County Government)  
 50, am 368, psd 392, S conc 845, enr 872 (Chapter 53)

- HB 260-FN.** relative to the property tax exemption for the blind on their residential real estate. (D. Healy, Hillsborough 38, et al, to Municipal and County Government)  
50, rem 146, SO 170, remt 193, K 431
- HB 261-FN.** relative to delays in processing applications for state public assistance. (S. Green, Hillsborough 36, et al, to Appropriations)  
50, Com 769, 1254
- HB 262-FN.** revising hazardous waste facility permit fees. (E. Greene, Rockingham 18, et al, to Environment and Agriculture)  
50, am & Approp 417-419, psd 769, 782, S conc 1044, enr am 1062, enr 1091 (Chapter 226)
- HB 263-FN.** establishing a fee structure for used oil marketers. (E. Greene, Rockingham 18, et al, to Environment and Agriculture)  
50, Com 252, 1254
- HB 264-FN-A.** creating a nonlapsing, continually appropriated hazardous waste fund to be used for processing hazardous waste transporter permit applications and for monitoring compliance. (E. Greene, Rockingham 18, et al, to Environment and Agriculture)  
50, Com 252, 1254
- HB 265-FN-A.** using revenues from a solid waste cleanup fund to fund departmental positions and to pay certain cleanup costs and continually appropriating the fund to the division of waste management. (Millard, Merrimack 4, to Environment and Agriculture)  
50, Com 287, 1254
- HB 266-FN.** relative to training of inspectors with the department of agriculture. (Millard, Merrimack 4, et al, to Judiciary)  
50, K 498
- HB 267-FN-A.** increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. (Record, Hillsborough 23, et al, to Ways and Means)  
51, K 470
- HB 268-FN.** relative to drug-free truck stops and rest areas. (Pantelakos, Rockingham 24, et al, to Judiciary)  
51, rem 246, SO 330, K (RC) 352-355
- HB 269.** granting probate judges greater discretion to require bonds from executors and trustees. (Martling, Strafford Dist. 4, et al, to Judiciary)  
**new title:** granting probate judges greater discretion to require bonds from executors and trustees and relative to probate court scheduling.  
**2nd new title:** relative to probate court scheduling.  
51, am 498, psd 557, conc S am 1047, enr 1060 (Chapter 227)
- HB 270-FN.** relative to excavating and dredging permits issued by the wetlands board. (Stamatakis, Sullivan 4, et al, to Resources, Recreation and Development)  
**new title:** relative to filling and dredging in wetlands.  
51, am 503-506, psd 557, S conc 785, enr 843 (Chapter 20)
- HB 271-FN.** to study the purchasing policies of the technical institute and the technical colleges. (Copenhaver, Grafton Dist. 12, et al, to Education)  
51, rem 146, SO 170, am 190, psd 219, conc S am 955, enr 1042, appointments 1263-1264 (Chapter 195)
- HB 272-FN.** relative to a physician's reporting of medical conditions to the director of motor vehicles. (Haynes, Rockingham 9, et al, to Transportation)  
51, SO 330, K 357
- HB 273-FN.** relative to assault upon a law enforcement officer. (Jeffrey Brown, Rockingham 14, et al, to Judiciary)  
51, K 205-206
- HB 274-FN.** relative to sentencing to county correctional facilities. (Record, Hillsborough 23, et al, to Judiciary)  
**new title:** relative to sentencing and transfers to county correctional facilities.  
52, am 362, psd 392, nonconc S am, conf 1048, 1064, rep adop 1165, enr 1180 (Chapter 316)
- HB 275-FN-A.** establishing a permanent heritage collections committee and a New Hampshire heritage trust fund, continually appropriating funds in the trust fund to the committee, and making an appropriation therefor. (Sallada, Hillsborough 4, to State Institutions and Housing)  
52, Approp 203, psd 709, 736, S conc 911, enr 1005, appointments 1274-1275 (Chapter 129)
- HB 276-FN.** relative to the task force establishing voluntary agreements reducing and recycling the solid waste stream and the duties of the commissioner of environmental services. (Parks, Strafford 6, et al, to Environment and Agriculture)  
52, am 419-420, psd 555, conc S am 1048, enr 1080 (Chapter 228)
- HB 277-FN.** requiring licensure of out-of-state mail order pharmacies. (Haettenschwiller, Hillsborough 28, et al, to Health, Human Services and Elderly Affairs)  
52, Com 223, 1254
- HB 278-FN.** relative to liability and indemnification of regional planning commissions. (L. Smith, Hillsborough 21, et al, to Judiciary)  
52, am 363, psd 392, S conc 874, enr 904 (Chapter 72)

- HB 279**, relative to a uniform law on notarial acts. (Roulston, Rockingham 20, to Judiciary)  
52, K 363
- HB 280-FN**, relative to motor vehicle emissions control requirements for carbon monoxide and hydrocarbons. (Stewart, Grafton 4, et al, to Environment and Agriculture)  
52, Com 252, 1254
- HB 281-FN-A**, establishing a fund for interpreter services for the hearing impaired and making an appropriation therefor. (Nardi, Hillsborough 35, to Executive Departments and Administration)  
52, rem 246, Com 318, 1254
- HB 282-FN**, relative to the BOCA Basic Building Code and the Life Safety Code. (Jeffrey Brown, Rockingham 14, to Public Protection and Veterans Affairs)  
**new title:** relative to the BOCA Basic Building Code and the Life Safety Code and relative to property located at former Pease Air Force Base.  
52, am 446-447, psd 556, conc S am 1048, enr 1147 (Chapter 290)
- HB 283-FN**, establishing a legislative oversight committee on banking. (Goulet, Hillsborough 11, to Commerce, Small Business and Consumer Affairs)  
**new title:** establishing a study committee on the problems of New Hampshire banks and financial institutions.  
52, am 406-407, psd 554, nonconc S am, conf 1048, 1064 (K)
- HB 284**, relative to leases for tenants of manufactured housing parks. (S. Green, Hillsborough 36, to State Institutions and Housing)  
52, K 238
- HB 285-A**, relative to constructing regional vocational centers and making an appropriation therefor. (Dyer, Hillsborough 7, et al, to Public Works)  
52, Com 198, 1254
- HB 286-FN**, relative to the operation of powerboats on Long Pond in the town of Northwood. (R. Johnson, Rockingham 1, to Transportation)  
52, SO 330, psd 357, 392, nonconc S am, conf 1048, 1064, 1146, rep adop 1175, enr 1180 (Chapter 317)
- HB 287-FN**, relative to charging expenses for state police services at certain events. (Fields, Hillsborough 13, to Public Protection and Veterans Affairs)  
52, K 227-228
- HB 288-FN**, establishing a study committee on premature births. (I. Pratt, Cheshire 3, et al, to Health, Human Services and Elderly Affairs)  
52, am 196-197, psd 219, S conc 740, enr 810, appointments 1264 (Chapter 21)
- HB 289-FN**, relative to regulating commercial salt water commercial fishing. (Drake, Rockingham 18, et al, to Fish and Game)  
52, am 358-361, psd 392, S conc 1022, enr 1060 (Chapter 229)
- HB 290-FN**, relative to the sale of hunting licenses. (Theriault, Coos 8, to Fish and Game)  
52, am 152, psd 182, S conc 740, enr 810 (Chapter 22)
- HB 291-FN**, relative to amending the election laws. (Flanagan, Rockingham 8, to Constitutional and Statutory Revisions)  
52, K 410
- HB 292-FN**, relative to the real estate tax lien process. (Golden, Belknap 7, to Municipal and County Government)  
53, psd 368, 392, S conc 845, enr 872 (Chapter 54)
- HB 293-FN**, relative to mooring requirements. (J. Young, Strafford 10, to Resources, Recreation and Development)  
53, K 263
- HB 294-FN**, relative to higher education benefits for children of law enforcement officers and firefighters killed in the line of duty. (Jeffrey Brown, Rockingham 14, et al, to Education)  
53, K 151-152
- HB 295-FN**, relative to the veterans' property tax exemption. (S. Green, Hillsborough 36, to Municipal and County Government)  
53, K 369
- HB 296-FN-A**, establishing a state emergency response commission and making an appropriation therefor. (Musler, Strafford 3, to Science, Technology and Energy)  
53, am & Approp 269-270, Com 769, 1254
- HB 297-FN-A**, authorizing the racing commission to license electronic games of chance wherever licensed pari-mutuel wagering takes place. (Roulston, Rockingham 20, to Regulated Revenues)  
53, Com (RC) 298-302, 1254
- HB 298-FN**, lowering the level from .10 to .08 for legal intoxication under the DWI laws. (Jasper, Hillsborough 19, et al, to Judiciary)  
53, SO 549, psd 585-589, 617, S nonconc 1081
- HB 299-FN**, relative to the advertising of alcoholic beverages. (Baldizar, Hillsborough 22, et al, to Regulated Revenues)  
**new title:** relative to the posting of statements in liquor stores and establishments selling bever-

ages and liquors.

53, am 202, psd 219, S conc 1080, enr 1147 (Chapter 291)

**HB 300-FN**, relative to bingo and lucky 7 license application fees. (Bucio, Rockingham 20, et al, to Regulated Revenue)  
53 Com 261, 1254

**HB 301**, relative to lobbying activities by former members of the general court and former employees of the general court. (Maviglio, Belknap 1, to Legislative Administration)  
53, K 197

**HB 302**, relative to the losing party's payment of the prevailing party's costs in tort actions. (Dickinson, Carroll Dist. 2, et al, to Judiciary)  
53, K 197

**HB 303**, relative to instructions to voters on ballots. (Ferguson, Hillsborough 10, to Constitutional and Statutory Revision)  
53, rem 403, Com, recon & SO 470-471, Com 473, 1254

**HB 304**, relative to escrow of funds raised through sale of certain types of securities and to certain conditions for sale of securities. (B. Packard, Hillsborough 15, to Commerce, Small Business and Consumer Affairs)  
53, am 477-478, psd 556, S study 1259

**HB 305-FN**, relative to the meaning of the term "charitable" for purposes of real estate tax exemptions. (Nordgren, Grafton 12, et al, to Municipal and County Government)  
53, am 398-399, psd 554, S conc 911, enr 905 (Chapter 111)

**HB 306-FN**, relative to the time for accepting absentee ballots. (A. Christie, Rockingham Dist. 17, et al, to Constitutional and Statutory Revision)  
53, K 222

**HB 307-FN**, establishing a committee to review New Hampshire's bankruptcy laws. (Chambers, Grafton Dist. 12, et al, to Commerce, Small Business and Consumer Affairs)  
54, am 407, psd 554, nonconc S am, conf 955, 1021 (K)

**HB 308**, relative to notice requirements for public hearings on zoning changes. (Emerton, Hillsborough 6, to Municipal and County Government)  
54, K 431

**HB 309**, extending time limits within which condominium projects can be completed. (B. Packard, Hillsborough Dist. 15, et al, to Commerce, Small Business and Consumer Affairs)  
54, K 407

**HB 310-FN**, increasing the hazardous waste transporter vehicle registration fee. (E. Greene, Rockingham 18, et al, to Transportation)  
**new title:** increasing the hazardous waste transporter vehicle registration fee and establishing a hazardous waste fund.

**2nd new title:** increasing the hazardous waste transporter vehicle registration fee.

54, am & Approp 463, am 769-770, psd 782, S conc 911, enr 951 (Chapter 112)

**HB 311**, establishing an exemption from registration for securities listed on the National Association of Securities Dealers Automated Quotation National Market System or the Chicago Board Options Exchange. (B. Packard, Hillsborough 15, to Commerce, Small Business and Consumer Affairs)

**new title:** confirming an exemption from registration for securities listed on the National Association of Securities Dealers Automated Quotation National Market System.

**2nd new title:** confirming an exemption from registration for securities listed on the National Association of Securities Dealers Automated Quotation National Market System or on the Chicago Board Options Exchange.

54, am 407-408, psd 555, conc S am 955, enr 1042 (Chapter 196)

**HB 312-FN**, relative to the bequest of unique numbered license plates. (Hoar, Rockingham 6, to Transportation)  
54, K 377

**HB 313**, relative to conversion between mutual savings banks, cooperative banks, building and loan associations, guaranty savings banks, savings and loan associations, and commercial banks and trust companies. (B. Packard, Hillsborough 15, to Commerce, Small Business and Consumer Affairs)  
54, am 247-248, psd 330, S conc 845, enr 872 (Chapter 55)

**HB 314**, relative to confidentiality of cease and desist orders and memoranda of understanding issued by the banking department and of reports submitted to the banking department. (B. Packard, Hillsborough 15, to Commerce, Small Business and Consumer Affairs)  
54, K 248

**HB 315-FN**, imposing a \$25 filing fee under the timber tax. (Perry, Cheshire 10, to Ways and Means)  
54, K 240

**HB 316-FN**, relative to publication of notice requirements in situations in which property escheats to the state. (Kurk, Hillsborough 3, to Judiciary)  
54, Com 364, 1254



- HB 317-FN**, relative to a minimum service retirement allowance for group II members. (B. Gage, Rockingham 20, to Executive Departments and Administration)  
54, ext 245, Com 540, 1255
- HB 318-FN**, relative to town expenditures. (Ferguson, Hillsborough 10, to Municipal and County Government)  
54, rem 403, K 474
- HB 319-FN**, establishing a committee on access to health care. (Fair, Merrimack 7, to Health, Human Services and Elderly Affairs)  
54, am 224, psd 244, conc S am 875, enr 906, appointments 1273-1274 (Chapter 130)
- HB 320**, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. (McKinney, Rockingham 23, et al, to Commerce, Small Business and Consumer Affairs)  
54, K 475
- HB 321-FN**, relative to health insurance reform. (Fair, Merrimack 7, et al, to Commerce, Small Business and Consumer Affairs)  
54, Com 147, 1255
- HB 322**, to adopt the current version of the United States Internal Revenue Code for business profits tax purposes. (Ahrens, Hillsborough 13, to Ways and Means)  
**new title:** relative to the business profits tax, the real estate transfer tax, the communications services tax, and the administration of state taxes.  
54, am 721-723, psd 736, nonconc S am, conf 1082, 1095, 1215, suspension of rules rej 1233, recon. rules suspended, rep adop & enr am 1233-1235, enr 1235 (Chapter 362)
- HB 323-A**, relative to the Cheshire Bridge and making an appropriation therefor. (Domini, Sullivan 5, et al, to Public Works)  
55, Approp 293, am 770-771, psd 782, nonconc S am, conf 1048, 1064, rep adop 1165, enr 1180 (Chapter 318)
- HB 324-A**, relative to highway projects and bond issuance and making an appropriation therefor. (Marsh, Coos 1, et al, to Public Works)  
55, am & Approp 198-201, psd 771, 782, S conc 1044, enr am 1171, enr 1179 (Chapter 301)
- HB 325-FN**, relative to reciprocity of dog training. (Felch, Rockingham 14, et al, to Fish and Game)  
**new title:** relative to reciprocity of dog training and restricting the use of telemetry equipment.  
55, am 152, psd 182, nonconc S am, conf 913, 1021, 1079, rep adop 1165, enr am 1194, enr 1213 (Chapter 363)
- HB 326-FN**, relative to disciplinary hearings before the pharmacy board. (D. Sytek, Rockingham 20, to Executive Departments and Administration)  
55, Com 488-489, 1255
- HB 327-FN**, relative to the disposal of state-owned real estate. (Marsh, Coos 1, et al, to Public Works)  
55, am 228-229, psd 244, S conc 1080, enr am 1171, enr 1179 (Chapter 302)
- HB 328-A**, relative to the site location, design and planning of a new Manchester district court facility and making an appropriation therefor. (LaMott, Grafton 5, et al, to Public Works)  
**new title:** relative to a new Manchester district court facility and making an appropriation therefor.  
55, am & Approp 293-294, am 709-710, psd 736, nonconc S am, conf 1066, 1081, S rej rep, new conf 1168, rep adop 1175, enr 1180 (Chapter 319)
- HB 329-FN-A**, relative to the business corporations act and appropriating funds for certain administrative expenses to be reimbursed by fees. (Fields, Hillsborough 13, to Constitutional and Statutory Revision)  
55, am & Approp 250, psd 771-772, 782, S conc 954, enr 952 (Chapter 131)
- HB 330-FN**, establishing a committee to study the issue of an office of the ombudsman for children. (W. McCain, Rockingham 11, et al, to Children, Youth and Juvenile Justice)  
55, am 194, psd 219, nonconc S am, conf 913, 1021, rep adop 1165, enr 1180, appointments 1264 (Chapter 350)
- HB 331-FN**, establishing a legislative oversight committee on children. (W. McCain, Rockingham 11, et al, to Children, Youth and Juvenile Justice)  
55, rem 221, am 241, psd 244, S nonconc 739
- HB 332**, relative to filing small claims actions in landlord and tenant cases. (Ouellette, Hillsborough 48, to Judiciary)  
55, K 364
- HB 333**, relative to notification of insurance cancellation. (Fair, Merrimack 7, to Commerce, Small Business and Consumer Affairs)  
55, am 147-149, psd 182, S conc 740, enr 810 (Chapter 23)
- HB 334-FN**, relative to the establishment of agency liquor stores. (Behrens, Sullivan 3, et al, to Regulated Revenues)  
55, am 261-263, psd 331, nonconc S am, conf 1082, 1095, rep adop 1165, enr 1180 (Chapter 320)

- HB 335**, relative to license plates for antique motor cars. (Vaughn, Rockingham 27, et al, to Transportation)  
56, am 239, psd 244, conc S am 875, enr 904 (Chapter 73)
- HB 336-FN-A**, relative to the definitions of "meal" and "restaurant" under the meals and rooms tax. (D. Wheeler, Hillsborough 10, to Ways and Means)  
**new title**: relative to the rates of certain state taxes.  
56, am (3 RC) 688-699, psd 700 (K)
- HB 337-FN**, relative to drug and alcohol testing in the workplace. (Senter, Rockingham 9, et al, to Labor, Industrial and Rehabilitative Services)  
56, Com 227, 1255
- HB 338-FN**, prohibiting the detention of minors in adult correctional facilities and jails. (Julie Brown, Strafford 11, to Children, Youth and Juvenile Justice)  
56, Com 273, 1255
- HB 339-FN**, relative to traffic signals. (Marsh, Coos 1, et al, to Public Works)  
56, am 201, psd 219, S conc 911, enr 904 (Chapter 74)
- HB 340**, relative to compliance with enabling legislation. (Grodin, Cheshire 6, to Municipal and County Government)  
56, psd 431, 555, S conc 911, enr 951 (Chapter 113)
- HB 341-FN**, relative to a foundation aid formula study committee. (Skinner, Rockingham 21, et al, to Education)  
**new title**: relative to a foundation aid formula study committee and establishing a maximum equalization factor for the foundation aid formula.  
56, am & Approp 527, am 772, psd 782, nonconc S am, conf 1048, 1064, 1093, rep adop 1165, enr 1180, appointments 1264 (Chapter 321)
- HB 342-FN**, establishing a committee to plan for and commemorate the 500th anniversary celebration of Columbus Day. (Warburton, Rockingham 6, to Legislative Administration)  
56, K 197
- HB 343-FN**, imposing a fine for failure to file reports and statements under the political expenditures and contributions law. (Holden, Hillsborough 9, et al, to Constitutional and Statutory Revision)  
56, Com 151, 1255
- HB 344-FN**, relative to eligibility for admission to the New Hampshire bar. (Kidder, Merrimack 2, to Judiciary)  
56, Com 498-499, 1255
- HB 345**, relative to the administration of the New Hampshire retirement system. (R. Wheeler, Hillsborough 6, to Executive Departments and Administration)  
56, K 540
- HB 346**, relative to public hearings and the statement of financial conditions for counties. (Perry, Cheshire 10, to Municipal and County Government)  
56, K 431
- HB 347**, prohibiting hunting with high-powered rifles in the city of Somersworth. (Frechette, Strafford 8, et al, to Fish and Game)  
**new title**: restricting the taking of deer in the city of Somersworth.  
56, am 196, psd 219, S nonconc 739
- HB 348**, relative to the municipal records board. (Warburton, Rockingham 6, et al, to Municipal and County Government)  
56, am 431, psd 555, S conc 1022, enr 1042 (Chapter 197)
- HB 349**, relative to the charter of the New Hampshire Centennial Home for the Aged. (Steiner, Hillsborough 33, to Constitutional and Statutory Revision)  
56, psd 277, 331, S conc 1063, enr 1080 (Chapter 230)
- HB 350-FN**, relative to negligent homicide. (Pepino, Hillsborough 37, et al, to Judiciary)  
**new title**: relative to assault.  
56-57, SO 549, am (RC) 589-593, psd 617, S conc 911, enr 904 (Chapter 75)
- HB 351**, relative to personal flotation devices for sailboards. (Hunt, Cheshire 9, et al, to Resources, Recreation and Development)  
57, am 234-235, psd 244, S conc 785, enr 843 (Chapter 24)
- HB 352-FN**, relative to the oil discharge and disposal cleanup fund. (Holbrook, Belknap 13, et al, to Resources, Recreation and Development)  
57, am 155-156, psd 182, nonconc S am, conf 913, 1021, rules suspended & rep adop 1176, enr 1180 (Chapter 322)

- HB 353-FN-A**, to tax smokeless tobacco. (Martling, Strafford 4, et al, to Regulated Revenues)  
new title: to tax smokeless tobacco and making an appropriation therefor.  
2nd new title: to tax smokeless tobacco and making an appropriation therefor, and relative to prohibiting the use and possession of tobacco products by persons under 18 years of age.  
57, com changed 111, am 723-724, psd 736, nonconc S am, conf 1084, recon & conc S am 1094, enr 1168 (Chapter 292)
- HB 354-FN-A**, relative to expanding the state employee assistance program and making an appropriation therefor. (K. Wheeler, Strafford 4, to Executive Departments and Administration)  
57, SO 170, K 191
- HB 355-FN**, relative to merchants' credit card policies. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
57, K 475
- HB 356-FN**, relative to uniform penalties pertaining to farm products. (M. Campbell, Rockingham 20, to Judiciary)  
57, psd 364, 392, S conc 785, enr 846 (Chapter 44)
- HB 357-FN**, establishing a fee for administering the state water pollution control revolving loan fund. (Marston, Strafford 6, to Resources, Recreation and Development)  
57, Com 235, 1255
- HB 358-FN**, mandatory insurance for motor vehicles, motor-powered boats, and aircraft. (T. Christie, Merrimack 9, to Commerce, Small Business and Consumer Affairs)  
57, K 358
- HB 359-FN**, relative to fees for registration permits for vehicles. (Pearson, Cheshire 15, to Municipal and County Government)  
57, K 604-605, recon notice 618, recon rej 674
- HB 360-FN**, relative to calculating income for purposes of elderly property tax exemptions. (G. Smith, Merrimack 20, to Municipal and County Government)  
57, Com 432, 1255
- HB 361**, repealing certain obsolete education laws. (Pearson, Cheshire 15, et al, to Education)  
57, psd 152, 182, S conc 911, enr 952 (Chapter 132)
- HB 362-FN**, establishing the northeast conservation law enforcement compact. (Perham, Hillsborough 10, et al, to State-Federal Relations)  
57, psd 238, 244, S conc 911, enr 951 (Chapter 133)
- HB 363-FN**, relative to criminal record checks and fees charged for criminal record checks. (W. Johnson, Merrimack 5, to Judiciary)  
57, am & Approp 427-428, rcmt 710, psd 772, 782, nonconc S am, conf 955, 1021, rep adop 1165, enr 1180 (Chapter 323)
- HB 364-FN**, relative to the opening and closing of deer season. (Perham, Hillsborough 10, et al, to Fish and Game)  
57, am 223, psd 243, conc S am 846, enr 903 (Chapter 76)
- HB 365-FN**, relative to veterans' benefits for certain veterans of World War II. (Searles, Hillsborough 19, to Public Protection and Veterans Affairs)  
57, SO 171, K 193
- HB 366-FN-A**, establishing an office of information technology management and making an appropriation therefor. (D. Hall, Merrimack 7, et al, to Executive Departments and Administration)  
57, am & Approp 253, Com 772, 1255
- HB 367-FN**, relative to the profession of engineering. (R. Hawkins, Belknap 5, et al, to Executive Departments and Administration)  
57, rem 246, SO 330, Com 346, 1255
- HB 368-FN**, naming the Parker L. Hancock building of the New Hampshire state prison. (D. Sytek, Rockingham 20, et al, to State Institutions and Housing)  
57, psd 239, 244, S conc 845, enr 873 (Chapter 56)
- HB 369-FN**, to establish a state veterans cemetery. (T. Christie, Merrimack 9, to Public Protection and Veterans Affairs)  
58, K 386-387
- HB 370-FN**, privatizing the sale of liquor. (T. Christie, Merrimack 9, to Regulated Revenues)  
58, K 202
- HB 371-FN**, relative to the collection of bail commissioners' fees. (Trombly, Merrimack 4, to Judiciary)  
58, K 364
- HB 372-FN**, relative to further protection of scenic roads in municipalities. (B. Packard, Hillsborough 15, et al, to Public Works)  
new title: relative to further protection of scenic roads in municipalities and the removal of trees posing a safety hazard.  
58, am 229-231, psd 244, S conc 911, enr 906 (Chapter 134)
- HB 373-FN**, relative to agricultural and farm motor vehicle license plates. (M. Campbell, Rockingham 20, et al, to Transportation)  
58, am 377, psd 392, S conc 911, enr 904, (Chapter 77)

- HB 374-FN**, relative to flammability testing of seating furniture manufactured for public buildings. (D. Messier, Strafford 9, et al, to State Institutions and Housing)  
58, K 389
- HB 375-FN**, authorizing towns to accept donations of property. (Crutchley, Cheshire 8, to Municipal and County Government)  
58, psd 432, 555, S conc 785, enr 843 (Chapter 25)
- HB 376-FN**, applying hazardous waste generator fees to hazardous waste destined for off-site recycling. (E. Greene, Rockingham 18, et al, to Science, Technology and Energy)  
58, com changed 111, K 420
- HB 377-FN**, relative to commercial fishing licenses and the advisory committee on shore fisheries. (Felch, Rockingham 14, to Fish and Game)  
58, K 223
- HB 378-FN-A**, relative to determining reasonable compensation and adopting a safe harbor formula under the business profits tax. (Ahrens, Hillsborough 13, to Ways and Means)  
**new title:** relative to determining reasonable compensation under the business profits tax.  
58, am 725-726, psd 737, nonconc S am, conf 1084, 1095 (K)
- HB 379-FN**, relative to advertising devices within highway rights-of-way. (R. Johnson, Rockingham 1, to Public Works)  
58, Com 231, 1255
- HB 380-FN**, relative to sheltered care facilities. (Vaughn, Rockingham 27, to Health, Human Services and Elderly Affairs)  
58, Com 256, 1255
- HB 381-FN-A**, relative to the recovery of legal fees incurred by the state and making an appropriation therefor. (D. Sytek, Rockingham 20, to Children, Youth and Juvenile Justice)  
**new title:** relative to the recovery of legal fees incurred by the state.  
58, Approp 273, am 772-773, psd 782, S conc 911, enr 952 (Chapter 135)
- HB 382-FN**, relative to license plates for firefighters. (Trombley, Merrimack 4, to Transportation)  
58, K 239
- HB 383**, relative to the authority of land surveyors to enter upon lands. (Salatiello, Belknap 3, to Judiciary)  
58, K 364
- HB 384-FN**, relative to land surveying by corporations or partnerships. (Salatiello, Belknap 3, to Executive Departments and Administration)  
58, K 646
- HB 385**, relative to administrative inspection warrants, town trust funds, and planning board decisions. (Allard, Carroll 2, to Municipal and County Government)  
58, am 432-433, psd 555, S conc 1045, enr 1059 (Chapter 231)
- HB 386**, relative to a representative town meeting form of government. (McNerney, Hillsborough 6, et al, to Municipal and County Government)  
58, psd 399, 554, S conc 1022, enr 1042 (Chapter 162)
- HB 387-FN**, prohibiting cigarette vending machines in areas to which minors have access. (Jasper, Hillsborough 19, et al, to Children, Youth and Juvenile Justice)  
58, K 273
- HB 388-FN**, relative to New Hampshire Route 101A. (Lown, Hillsborough 9, et al, to Public Works)  
59, K 232
- HB 389**, allowing the retention of a granite block retaining wall abutting Lake Winnepesaukee. (Vogler, Belknap 4, to Resources, Recreation and Development)  
59, K 611-612
- HB 390**, relative to technical corrections in the liquor laws. (R. Kelley, Hillsborough 13, et al, to Regulated Revenues)  
59, am 450-461, psd 556, nonconc S am, conf 1084, 1095 (K)
- HB 391**, to permit the adoption of impact fees as part of a zoning ordinance. (Wadsworth, Grafton 13, et al, to Municipal and County Government)  
59, psd (RC) 400-403, 554, conc S am & remarks 1066-1067, enr 1091 (Chapter 283)
- HB 392-FN**, relative to payment of child support. (Domini, Sullivan 5, et al, to Health, Human Services and Elderly Affairs)  
59, com changed 111, psd 274, 331, S nonconc 739
- HB 393-A**, relative to preliminary designs, an environmental impact statement for improving access to the Manchester airport, re-establishing a legislative task force and making an appropriation therefor. (LaMott, Grafton 5, et al, to Public Works)  
59, am & Approp 294, psd 710, 736, S conc 1045, enr 1060, appointments 1264-1265 (Chapter 232)
- HB 394**, relative to partition of real property. (Salatiello, Belknap 3, to Judiciary)  
59, K 364



- HB 395**, relative to persons buried at public expense. (Fillion, Merrimack 15, to Health, Human Services and Elderly Affairs)  
59, K 256
- HB 396**, relative to filing reports in court proceedings involving children. (Trombly, Merrimack 4, to Children, Youth and Juvenile Justice)  
59, am 404, psd 554, S conc 845, enr 873 (Chapter 57)
- HB 397-FN**, relative to persons afflicted with Alzheimer's disease. (R. Jean, Hillsborough 28, to Health, Human Services and Elderly Affairs)  
59, am 256, psd 331, S conc 845, enr am 873, enr 904, appointments 1265 (Chapter 78)
- HB 398**, relative to determining qualifications of applicants to vote. (Flanagan, Rockingham 8, et al, to Constitutional and Statutory Revision)  
59, am 410-411, psd 555, S conc 874, enr 904 (Chapter 79)
- HB 399**, relative to leases for tenants of manufactured housing parks. (McRae, Hillsborough 6, et al, to State Institutions and Housing)  
59, SO 616, K 622
- HB 400**, relative to a property tax postponement law. (Walsh, Sullivan 7, to Municipal and County Government)  
59, K 433
- HB 401**, relative to conibear traps. (K. Cole, Cheshire 3, to Fish and Game)  
59, K 196
- HB 402**, relative to recording information on sewage and waste disposal systems. (T. Christie, Merrimack 9, to Resources, Recreation and Development)  
**new title:** relative to placing lime and wood ash on farmland.  
59, am 263-264, psd 331, S conc 740, enr am 845, enr 873 (Chapter 58)
- HB 403**, relative to property tax relief for certain elderly homeowners. (Daigle, Hillsborough 24, to Municipal and County Government)  
59, K 433
- HB 404-FN**, relative to certification of wetland scientists. (L. Smith, Hillsborough 21, et al, to Resources, Recreation and Development)  
60, am & Exec Depts 371-375, Com 540, 1255
- HB 405**, relative to using motor vehicle headlights in inclement weather. (I. Pratt, Cheshire 3, et al, to Transportation)  
60, K 378
- HB 406**, relative to modification of support orders. (Spear, Cheshire 13, et al, to Children, Youth and Juvenile Justice)  
60, am 405, psd 554, conc S am 955, enr 1059 (Chapter 233)
- HB 407**, relative to failure to report injuries resulting from criminal acts. (Spear, Cheshire 13, to Judiciary)  
60, am 364-365, psd 392, S conc 845, enr 873 (Chapter 59)
- HB 408**, relative to the administration of the New Hampshire retirement system. (S. Green, Hillsborough 36, to Executive Departments and Administration)  
60, rem 246, SO 330, K 346
- HB 409-FN-A**, establishing an industrial heritage commission and industrial heritage park fund and making an appropriation therefor. (A. Bourque, Hillsborough 35, et al, to Labor, Industrial and Rehabilitative Services)  
60, psd 289, 331, conc S am 1048, enr 1061, appointments 1273 (Chapter 234)
- HB 410-FN**, relative to certification as an habitual offender for DWI-related convictions. (Jasper, Hillsborough 19, to Judiciary)  
60, Com 499, 1255
- HB 411**, relative to discrimination in the issuance of health insurance policies. (Parks, Strafford 6, et al, to Commerce, Small Business and Consumer Affairs)  
60, Com 248, 1255
- HB 412**, relative to teacher representation on the New Hampshire retirement system board of trustees. (Jeffrey Brown, Rockingham 14, to Executive Departments and Administration)  
60, K 254
- HB 413-FN**, relative to penalties for insurance laws violations. (Foss, Strafford 10, et al, to Commerce, Small Business and Consumer Affairs)  
60, psd 408, 555, S conc 874, enr 906 (Chapter 136)
- HB 414**, relative to unfair claim settlement practices. (Foss, Strafford 10, et al, to Commerce, Small Business and Consumer Affairs)  
60, am 248, psd 330, S conc 740, enr 810 (Chapter 26)
- HB 415**, relative to funeral arrangements. (A. Merrill, Strafford 4, et al, to Health, Human Services and Elderly Affairs)  
60, SO 330, K 348

- HB 416-FN-A**, relative to drug-free school zones and making appropriations therefor. (Nordgren, Grafton 12, et al, to Children, Youth and Juvenile Justice)  
**new title**: relative to drug-free school zones and making appropriations therefor and establishing a committee to study certain issues related to drug-free zones.  
 60, Approp 274, am 773-774, psd 782, nonconc S am, conf 1049, 1052, 1065, rep adop 1165, enr am 1194, enr 1213, appointments 1265 (Chapter 364)
- HB 417-FN**, relative to parking privileges for persons with walking disabilities. (Chase, Rockingham 28, to Transportation)  
 60, K 463
- HB 418-FN**, relative to issuance of trapping licenses. (N. Lawrence, Hillsborough 20, et al, to Fish and Game)  
 60, K 196
- HB 419**, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton. (Scanlan, Grafton 11, to Transportation)  
 60, psd 239, 244, S conc 954, enr 1005 (Chapter 137)
- HB 420-FN**, restricting state lottery television advertising to certain hours. (Arnesen, Grafton 7, to Regulated Revenues)  
 60, rem 193, K 218
- HB 421-FN**, establishing a committee to study reforming and coordinating state homicide laws. (Allard, Carroll 2, to Judiciary)  
 60, K 365
- HB 422-FN**, relative to surplus campaign funds. (Gilmore, Strafford 7, to Constitutional and Statutory Revision)  
 61, Com 411, 1255
- HB 423-FN-A**, making an appropriation for health services for young children. (W. McCain, Rockingham 11, et al, to Health, Human Services and Elderly Affairs)  
 61, com changed 111, Com 274, 1255
- HB 424**, relative to the qualifications for a state representative to hold office. (Vaughn, Rockingham 27, et al, to Constitutional and Statutory Revision)  
 61, rem 246, SO 330, K 340
- HB 425**, enabling the state and counties to contract with private entities to manage and operate state and county correctional facilities. (Kurk, Hillsborough 3, to Public Works)  
 61, Com 449, 1255
- HB 426-FN**, relative to sweepstakes distribution. (Andrews, Hillsborough 26, et al, to Education)  
 61, K 222
- HB 427-A**, relative to additional improvements on Gosling Road and making an appropriation therefor. (G. Chandler, Carroll 1, et al, to Public Works)  
 61, am & Approp 294-295, psd 710, 736, S conc 1045, enr 1059 (Chapter 235)
- HB 428-FN**, relative to the enforcement and administration of state taxes by the department of revenue administration. (Crutchley, Cheshire 8, to Ways and Means)  
 61, am 171-172, psd 182, nonconc S am, conf 876, rep adop 910, enr 1021 (Chapter 163)
- HB 429**, relative to the salaries of county attorneys. (Warburton, Rockingham 6, et al, to Municipal and County Government)  
**new title**: relative to the salaries of county attorneys and relative to prior service as an employee of a political subdivision.  
 61, psd 433, 555, conc S am 1049, enr 1061 (Chapter 236)
- HB 430**, relative to making public certain records relative to paid settlements involving taxpayer money. (W. Boucher, Rockingham 23, to Municipal and County Government)  
 61, K 433
- HB 431-FN**, relative to exempting certain purchases for severely emotionally disturbed children from state purchasing requirements. (Chambers, Grafton 12, et al, to Education)  
 61, Approp 527-528, am 774, psd 782, S conc 911, enr 1005 (Chapter 138)
- HB 432**, relative to changing the dates for the annual school district meeting and for teacher notification from March to May. (C. Johnson, Belknap 4, to Education)  
 61, K 250
- HB 433**, establishing a developmentally delayed category. (Wallner, Merrimack 21, et al, to Education)  
 61, SO 528, am 559-560, psd 617, S conc 845, enr am 873-874, enr 904 (Chapter 80)
- HB 434**, relative to the procedure for planning boards to revoke approval of recorded plats. (Perry, Cheshire 10, to Municipal and County Government)  
 61, am 433-434, psd 555, S conc 1063, enr 1080 (Chapter 237)
- HB 435-FN**, permitting adjustments in legislative mileage resulting from changes in the price of gasoline. (Gross, Merrimack 6, et al, to Legislative Administration)  
 61, Approp 206, Com 774, 1255
- HB 436-FN**, making the purchase, possession, and control of child pornography a misdemeanor. (Spear, Cheshire 13, et al, to Children, Youth and Juvenile Justice)  
 61, psd 221, 243, S conc 785, enr 843 (Chapter 27)

- HB 437-FN**, regarding the application of pesticides by landlords. (Harland, Sullivan 8, et al, to State Institutions and Housing)  
61, K 389
- HB 438**, establishing a state policy on aquifers. (Janas, Hillsborough 39, to Resources, Recreation and Development)  
61, K 506
- HB 439**, relative to employee cooperative corporations. (Spear, Cheshire 13, to Commerce, Small Business and Consumer Affairs)  
62, Com 478, 1255
- HB 440**, relative to cable television franchises. (Gross, Merrimack 16, et al, to Science, Technology and Energy)  
62, K 237
- HB 441**, relative to the uniform limited offering exemption for securities registration and filing requirements. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
62, psd 408-409, 555, S conc 911, enr 952 (Chapter 139)
- HB 442-FN**, exempting small producers of raw milk from certain inspections. (Millard, Merrimack 4, to Environment and Agriculture)  
**new title:** authorizing the commissioner of agriculture to establish minimum price rates for small producers.  
87, am 420-421, psd 555, S conc 954, enr 952 (Chapter 140)
- HB 443-FN-A**, relative to shoreland protection and making an appropriation therefor and relative to water user fees. (Maviglio, Belknap 1, et al, to Resources, Recreation and Development)  
**new title:** relative to shoreland protection and making an appropriation therefor and relative to pesticide applications.  
87, Am (RC) & Approp 302-317, am 839-841, psd 842, conc S am 1067, enr am 1062-1063, enr 1179, appointments 1265 (Chapter 303)
- HB 444**, relative to requesting a vote by secret ballot at town meetings. (McKinney, Rockingham 23, to Municipal and County Government)  
87, K 434
- HB 445-FN**, defining "compact parts" of towns and cities with regard to criminal charges for unauthorized use of firearms and firecrackers. (W. Boucher, Rockingham 23, to Judiciary)  
87, am 499, psd 557, conc S am 913, enr 1021 (Chapter 164)
- HB 446**, relative to the board of registration in medicine. (W. McCain, Rockingham 11, et al, to Executive Departments and Administration)  
87, Com 489, 1255
- HB 447**, relative to bulk commodities. (Millard, Merrimack 4, to Transportation)  
87, com changed 129, am 421, psd 555, conc S am 1008, enr 1042 (Chapter 165)
- HB 448-A**, appropriating funds for environmental and engineering design studies for the Ledyard Bridge in Hanover and making an appropriation therefor. (Nordgren, Grafton 12, et al, to Public Works)  
87, am & Approp 295, am 710-711, psd 736, S conc 911, enr 905 (Chapter 81)
- HB 449-FN**, to double the net income requirements under the optional adjusted elderly property tax exemption. (Stio, Merrimack 5, et al, to Municipal and County Government)  
87, Com 261, 1255
- HB 450**, relative to claims to dower and curtesy. (Lown, Hillsborough 9, to Judiciary)  
87, psd 365, 392, S conc 911, enr 952 (Chapter 141)
- HB 451-FN**, relative to licensing health facilities. (Soldati, Merrimack 19, et al, to Health, Human Services and Elderly Affairs)  
**new title:** relative to the licensing of residential care and health facilities.  
**2nd new title:** relative to the licensing of residential care and health facilities and establishing a study committee on the Patients' Bill of Rights.  
87, am 492-497, psd 557, nonconc S am, conf 1082, 1095, rep adop 1165, enr am 1194, enr 1213, appointments 1265-1266 (Chapter 365)
- HB 452-FN**, relative to solicitation of prostitutes. (Nardi, Hillsborough 35, et al, to Judiciary)  
87, psd 365, 392, conc S am 875, enr 905 (Chapter 82)
- HB 453-FN**, authorizing the use of green emergency lights by licensed security agencies or other authorized persons. (Doucette, Cheshire 17, to Public Protection and Veterans Affairs)  
88, K 155
- HB 454**, relative to safe deposit boxes. (Krueger, Sullivan 6, et al, to Commerce, Small Business and Consumer Affairs)  
88, psd 222, 243, S conc 846, enr 873 (Chapter 60)
- HB 455**, relative to determination of amount of alimony awards. (Doucette, Cheshire 17, et al, to Children, Youth and Juvenile Justice)  
88, com changed 111, am 499, psd 557, S nonconc 875
- HB 456-FN**, prohibiting bear baiting. (Drake, Rockingham 18, et al, to Fish and Game)  
88, psd (RC) 378-381, 392 (S LT)

- HB 457.** relative to changes in town charters. (Jasper, Hillsborough 19, et al, to Municipal and County Government)  
88, K 435
- HB 458.** relative to the composition of the wetlands board. (Stamatakis, Sullivan 4, to Resources, Recreation and Development)  
88, am 375-376, psd 392, S conc 1045, enr 1060 (Chapter 238)
- HB 459.** relative to notice received by the wetlands board from local conservation commissions. (Stamatakis, Sullivan 4, to Resources, Recreation and Development)  
88, psd 264, 331, S conc 740, enr 810 (Chapter 28)
- HB 460-FN.** relative to the confidentiality of certain health care data. (Holmes, Merrimack 13, to Health, Human Services and Elderly Affairs)  
**new title:** relative to the health data advisory committee.  
88, am 256-258, psd 331, conc S am 875, enr 905 (Chapter 83)
- HB 461-FN.** relative to notice for out of district placement by the court. (Guest, Grafton 12, et al, to Children, Youth and Juvenile Justice)  
88, psd 405, 554, nonconc S am, conf 913, 1021, rep adop 1166, enr 1180 (Chapter 324)
- HB 462.** relative to special education hearing officers. (Flint, Sullivan 2, et al, to Education)  
88, am 487, psd 557, nonconc S am, conf 1049, 1065, rep adop 1166, enr 1180 (Chapter 325)
- HB 463.** relative to rulemaking for the board of education. (Guest, Grafton 12, et al, to Education)  
88, am 487-488, psd 557, nonconc S am, conf 1049, 1065 (K)
- HB 464.** relative to plant closing notification. (Chambers, Grafton 12, et al, to Labor, Industrial and Rehabilitative Services)  
88, K(RC) 599-603
- HB 465.** relative to a state veterans cemetery at Pease Air Force Base. (Connell, Rockingham 4, et al, to Public Protection and Veterans Affairs)  
**new title:** relative to a veterans' cemetery at the Pease Air Force facilities under the Pease development authority.  
88, am 447-448, psd 556, S conc 846, enr 873 (Chapter 61)
- HB 466-FN.** establishing a study committee to evaluate residential care facilities. (Elliott, Hillsborough 2, et al, to Health, Human Services and Elderly Affairs)  
88, K 497
- HB 467.** relative to state-funded institutions prohibiting students from participating in certain activities or organizations. (Jasper, Hillsborough 19, et al, to Education)  
88, K 416
- HB 468-FN.** prohibiting the enforcement of motor vehicle laws by off-duty police in their personal vehicles and by police in unmarked vehicles. (B. Packard, Hillsborough 15, to Transportation)  
88, K 240
- HB 469-A.** relative to improvements on route 106 and making an appropriation therefor. (Hayes, Merrimack 21, et al, to Public Works)  
88, Com 295, 1255
- HB 470.** relative to health maintenance organizations. (Lozeau, Hillsborough 25, et al, to Commerce, Small Business and Consumer Affairs)  
89, Com 475, 1255
- HB 471.** relative to parents' right to know concerning teacher certification. (Chambers, Grafton 12, to Education)  
89, K 488
- HB 472-FN-A.** relative to establishing a fiscal impact review process for state agency programs and making an appropriation therefor. (S. Cole, Cheshire 10, et al, to Executive Departments and Administration)  
89, K 254
- HB 473.** relative to school district budget voting. (Kurk, Hillsborough 3, to Education)  
89, K 528
- HB 474-FN.** prohibiting bear dog training. (Drake, Rockingham 18, et al, to Fish and Game)  
89, Com 223, 1255
- HB 475-FN.** relative to appointment of banking department assistants, and to the performance of contract services by the banking department, and to assessing the costs of bank examinations. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
89, psd 409, 555, S conc 874, enr 904 (Chapter 84)
- HB 476-FN-A.** establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. (Jacobson, Merrimack 2, et al, to Judiciary)  
89, Com 289, 1255
- HB 477-FN.** relative to agency authority to make rules and impose administrative fines. (Roulston, Rockingham 20, to Executive Departments and Administration)  
89, Com 254, 1256
- HB 478-FN.** relative to the emergency shelter program. (Nardi, Hillsborough 35, et al, to Health, Human Services and Elderly Affairs)  
89, am 224-225, psd 244, S conc 785, enr 843 (Chapter 29)



- HB 479-FN-A**, increasing the personal needs allowance of nursing home residents and making an appropriation therefor. (Pantelakos, Rockingham 24, et al, to Health, Human Services and Elderly Affairs)  
89, Com 258, 1256
- HB 480-FN-A**, relative to a 3 percent purchase tax. (O'Brien, Strafford 10, et al, to Ways and Means)  
89, K 470
- HB 481-FN**, allowing nursing home administrators to file for disposition of a deceased individual's estate. (Record, Hillsborough Dist. 23, et al, to Judiciary)  
**new title:** relative to disposition of a deceased individual's estate.  
89, am 365-366, psd 392, conc S am 876, enr 904 (Chapter 85)
- HB 482-FN**, relative to temporary and emergency guardianships. (Soldati, Merrimack 19, et al, to Judiciary)  
**new title:** relative to temporary guardianships.  
89, am 428, psd 555, S nonconc 912
- HB 483-FN**, relative to emergency temporary adjustments to the application of child support guidelines. (L. Johnson, Hillsborough 37, to Children, Youth and Juvenile Justice)  
89, K 221
- HB 484-FN**, relative to when electric companies are public utilities and affiliates of public utilities. (Whitcomb, Grafton 1, et al, to Science, Technology and Energy)  
89, am 238, psd 244, S conc 874, enr 904 (Chapter 86)
- HB 485**, relative to living wills. (Corte, Strafford 6, et al, to Judiciary)  
89, SO 549, am (RC) 593-599, psd 617, S conc 1022, enr 1080 (Chapter 239)
- HB 486-FN**, relative to collection of forfeitures of recognizances by the division of motor vehicles. (Daly, Carroll 3, to Judiciary)  
89, psd 366, 392, nonconc S am, conf 913, 1021, rep adop 1166, enr am 1194-1195, enr 1213 (Chapter 366)
- HB 487-FN**, relative to shared family liability for public assistance. (Hutchinson, Rockingham 23, to Health, Human Services and Elderly Affairs)  
89, K 225
- HB 488-FN**, relative to the flexible spending programs. (C. Brown, Grafton 13, to Executive Departments and Administration)  
90, Approp 489, psd 711, 736, nonconc S am, conf 1084, 1095, rep adop 1166, enr 1181 (Chapter 326)
- HB 489-FN**, relative to a New Hampshire public facilities authority. (Soldati, Merrimack 19, et al, to Public Works)  
90, K 201
- HB 490-FN**, relative to continuation of state health and dental insurance benefits for state employees called for active duty as a result of Operation Desert Storm. (W. McCann, Strafford 7, et al, to Executive Departments and Administration)  
**new title:** relative to continuation of state health and dental insurance benefits for state employees called for active duty between August 2, 1990, and March 15, 1991.  
90, psd 254, 331, conc S am 876, enr 905 (Chapter 87)
- HB 491-FN**, relative to the collection of the normal yield tax in unincorporated towns and unorganized places. (Marsh, Coos 1, et al, to Resources, Recreation and Development)  
90, psd 202, 219, S conc 740, enr 843 (Chapter 30)
- HB 492-FN**, relative to conservation restriction assessments. (Metzger, Cheshire 11, to Municipal and County Government)  
90, am 435-436, psd 555, S conc 846, enr 873 (Chapter 62)
- HB 493-FN**, relative to the design review fees for sewerage and wastewater projects. (Marston, Strafford 6, to Resources, Recreation and Development)  
90, psd 156, 182, S conc 1045, enr 1060 (Chapter 240)
- HB 494-FN**, relative to residency requirements for general assistance. (Shackett, Grafton 10, to Municipal and County Government)  
90, K 436
- HB 495-FN**, reorganizing the office of securities regulation. (O'Brien, Strafford 10, et al, to Executive Departments and Administration)  
90, SO 330, K 346
- HB 496-FN**, relative to administrative fines for marine pollution. (Millard of Merrimack 4, et al, to Resources, Recreation and Development)  
90, psd 507, 557, S conc 846, enr 873 (Chapter 63)
- HB 497-FN-A**, relative to an equipment challenge grant program for vocational and technical education programs and making an appropriation therefor. (Arnold, Hillsborough 33, et al, to Education)  
90, Com 281, 1256

- HB 498-FN.** relative to domestic manufacturers of liquor. (McKinney, Rockingham 23, to Regulated Revenues)  
90, K 202
- HB 499-FN.** to prevent the registration of junk motor vehicles which are not intended for legal use on any public highway. (Connell, Rockingham 4, to Transportation)  
90, K 463-464
- HB 500-FN.** relative to drug testing in the workplace. (Trombly, Merrimack 4, to Labor, Industrial and Rehabilitative Services)  
**new title:** relative to exemptions in the administration of the unemployment compensation laws.  
90, am & Approp 259-260, K 774-775
- HB 501-FN.** relative to electric utility conservation measures. (Bradley, Carroll 6, to Science, Technology and Energy)  
90, Com 461, 1256
- HB 502-FN-A.** relative to child care resource and referral systems and making an appropriation therefor. (Wallner, Merrimack 21, et al, to Children, Youth and Juvenile Justice)  
90, am 274, psd 331, nonconc S am, conf 1082,1095, rep adop 1166, enr 1181 (Chapter 327)
- HB 503.** relative to recovery of medical assistance payments. (D. Sytek, Rockingham 20, to Judiciary)  
90, Com 499, 1256
- HB 504-FN.** relative to utilization review programs. (Asplund, Merrimack 10, et al, to Health, Human Services and Elderly Affairs)  
90, Com 258, 1256
- HB 505-FN.** relative to the distribution of the normal yield tax. (Scanlan, Grafton 11, et al, to Resources, Recreation and Development)  
90, Com 235, 1256
- HB 506-FN.** relative to cost-of-living increases in the AFDC standard of need. (Amidon, Hillsborough 7, et al, to Health, Human Services and Elderly Affairs)  
90-91, rem 246, Com 318, 1256
- HB 507-FN.** to impose a disposable diaper fee. (LaMar, Cheshire 16, et al, to Environment and Agriculture)  
91, SO 330, K 344
- HB 508-FN.** relative to domestic violence shelters. (Chase, Rockingham 28, to Health, Human Services and Elderly Affairs)  
91, K 362
- HB 509.** clarifying the definition of public benefit relative to permitting solid waste facilities. (Arnesen, Grafton 7, et al, to Environment and Agriculture)  
91, am 421-423, psd 555, nonconc S am, conf 1049, 1065, rep adop 1203, enr 1214 (Chapter 367)
- HB 510-FN.** relative to the energy conservation construction code. (J. Chandler, Merrimack 1, to Science, Technology and Energy)  
91, Com 461, 1256
- HB 511-FN.** repealing the certificate of need law. (Raynowska, Rockingham 20, to Health, Human Services and Elderly Affairs)  
91, K 258
- HB 512-FN.** relative to the city of Concord's rights to draw water from the Contoocook River. (M. Hill, Merrimack 14, et al, to Resources, Recreation and Development)  
91, K 235
- HB 513-FN.** relative to the eminent domain procedure act and unpaid taxes. (Stamatakis, Sullivan 4, et al, to Municipal and County Government)  
91, am 436-437, psd 555, S conc 1045, enr 1061 (Chapter 241)
- HB 514-FN.** relative to special town meetings. (Wadsworth, Grafton 13, to Municipal and County Government)  
91, psd 437, 556 S conc 911, enr 1021 (Chapter 166)
- HB 515-FN.** exempting the purchase of certain land conservation property on which dams are located from the requirement of legislative approval. (Lewis, Merrimack 5, et al, to Resources, Recreation and Development)  
**new title:** exempting the purchase of certain property on which dams are located from the requirements of legislative approval.  
**2nd new title:** giving legislative approval to the division of water resources, department of environmental services to accept certain dams if repair costs are paid by the current owners.  
**3rd new title:** giving legislative approval to the land conservation investment program to accept certain dams and continually appropriating the dam maintenance fund.  
91, am & Approp 264-265, am 775, psd 782, nonconc S am, conf 1049, 1065, rep adop 1166, enr am 1195, enr 1214 (Chapter 368)
- HB 516.** relative to library trustees' authority to accept gifts. (Kurk, Hillsborough 3, et al, to Municipal and County Government)  
91, psd 437, 556, S conc 785, enr 843 (Chapter 31)

- HB 517-FN**, relative to watercraft safety. (Haynes, Rockingham 9, to Transportation)  
new title: relative to watercraft safety and moorings.  
91, am 464-465, psd 556, conc S am 1067, recalled from governor 1179, am 1183-1184, psd 1203, S conc 1207, enr 1214 (Chapter 369)
- HB 518-FN**, relative to motor vehicle and boat registration revocations for court defaults and relative to the payment of court obligations. (Malcolm, Rockingham 17, et al, to Transportation)  
91, Com 240, 1256
- HB 519-FN**, relative to municipal budget matters and the timber tax. (Golden, Belknap 7, to Municipal and County Government)  
91, am 437, psd 556, conc S am 913, enr 1042 (Chapter 167)
- HB 520-FN**, relative to changing county government's share of public assistance. (Jacobson, Merrimack 2, to Appropriations)  
91, K 776
- HB 521-FN**, requiring literacy testing as a prerequisite for certain public assistance. (Ouellette, Hillsborough 48, to Health, Human Services and Elderly Affairs)  
91, K 424-425
- HB 522-FN**, relative to compulsory attendance. (Skinner, Rockingham 21, et al, to Education)  
91, K 528
- HB 523-FN**, relative to local cease and desist orders for zoning, planning and code violations. (Lown, Hillsborough 9, et al, to Municipal and County Government)  
91, am 437-438, psd 556, nonconc S am, conf 1067, 1081, rep adop 1166, enr 1181 (Chapter 328)
- HB 524-FN**, to allow municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption. (Holmes, Merrimack 13, et al, to Municipal and County Government)  
91-92, Com 438, 1256
- HB 525-FN**, relative to appealing recounts in town elections. (Emerton, Hillsborough 6, to Constitutional and Statutory Revision)  
92, psd 222, 243, S nonconc 1064
- HB 526-FN**, authorizing sentencing to extended terms of imprisonment by district court justices. (Trombly, Merrimack 4, to Judiciary)  
92, Com 396, 1256
- HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor. (Dunn, Merrimack 21, et al, to Health, Human Services and Elderly Affairs)  
92, Exec Depts 288, Com 540, 1256
- HB 528-FN**, relative to DWI and the ignition interlock device. (Jacobson, Merrimack 2, to Transportation)  
92, K 465
- HB 529-FN**, relative to the permanently and totally disabled program. (Copenhaver, Grafton 12, to Health, Human Services and Elderly Affairs)  
92, K 258
- HB 530-FN**, relative to marital arbitration. (Record, Hillsborough 23, et al, to Judiciary)  
92, am 549, psd 557, conc S am 876, enr 905 (Chapter 88)
- HB 531-FN**, relative to personal care for the severely physically disabled. (Pignatelli, Hillsborough 31, to Labor, Industrial and Rehabilitative Services)  
92, psd 260, 331, S conc 740, enr 810 (Chapter 32)
- HB 532**, relative to the color of ballots used in municipal elections. (Scanlan, Grafton 11, to Constitutional and Statutory Revision)  
new title: relative to the color of ballots used in municipal elections and relative to the time for holding town and district business meetings and elections.  
92, psd 222, 243, nonconc S am, conf 1067, 1081, rep adop 1166, enr am 1207, enr 1214 (Chapter 370)
- HB 533-FN-A**, permitting administrative fines to be charged by the division of public health services and continually appropriating a photocopy fund to the commissioner of health and human services. (Gross, Merrimack 16, et al, to Executive Departments and Administration)  
92, K 287
- HB 534-FN**, amending the habitual offender penalties to provide for special alternative incarceration. (Hawkins, Belknap 5, et al, to Judiciary)  
92, Com 428, 1256
- HB 535-FN-A**, relative to land acquisition for the Nashua Municipal Airport and making an appropriation therefor. (B. McCann, Hillsborough 31, to Public Works)  
92, K 295
- HB 536**, prohibiting the conversion of manufactured housing parks into condominiums. (Salatiello, Belknap 3, to State Institutions and Housing)  
92, SO 617, K 622

- HB 537.** relative to elected county offices and the offices of executive councilor, state senator, and state representative. (Copenhaver, Grafton 12, to Constitutional and Statutory Revision)  
92, K 250
- HB 538.** to limit the terms of office for the members of the United States Congress from New Hampshire, and to limit the terms of office for the members of the New Hampshire house and senate. (Welch, Rockingham 10, et al, to Constitutional and Statutory Revision)  
92, K (RC) 277-281
- HB 539-FN-A.** relative to a committee to study the uninsurable and making an appropriation therefor. (Fair, Merrimack 7, et al, to Commerce, Small Business and Consumer Affairs)  
92, am & Approp 248, psd 776, 782, S conc 911, enr 905, appointments 1266 (Chapter 89)
- HB 540-FN.** to tax certain faculty quarters located at private educational institutions. (Joscelyn, Belknap 2, to Municipal and County Government)  
92, Com 438, 1256
- HB 541.** relative to arrests for abuse of elderly or incapacitated adults. (P. White, Grafton 6, to Judiciary)  
92, K 499-500
- HB 542.** relative to the time frame for submitting school district meeting warrant articles. (R. Wheeler, Hillsborough 6, to Education)  
**new title:** relative to the time frame for submitting school district meeting warrant articles and the number of petitioners necessary to submit a warrant article.  
92, am 416-417, psd 555, S conc 1063, enr 1091 (Chapter 242)
- HB 543-FN.** relative to motor fuel quality. (Millard, Merrimack 4, to Transportation)  
93, K 240
- HB 544.** relative to the time for hearing appeals before the ballot law commission and relative to appointing alternate ballot law commission members. (Flanagan, Rockingham 8, et al, to Constitutional and Statutory Revision)  
93, psd 250, 330, conc S am 1049, enr 1061 (Chapter 243)
- HB 545.** reapportioning the executive council districts. (Burns, Coos 5, et al, to Constitutional and Statutory Revision)  
93, Com 411, 1256
- HB 546-FN.** granting school districts the opportunity to vote to authorize the expenditure of public funds as reimbursement for private education. (Skinner, Rockingham 21, et al, to Education)  
93, K (RC) 529-532
- HB 547-FN.** relative to the date for the application of the optional veterans' exemption and the optional exemption for the surviving spouses of veterans in certain towns. (Fields, Hillsborough 13, et al, to Municipal and County Government)  
93, psd 438, 556, S conc 1045, enr 1060 (Chapter 244)
- HB 548.** relative to the information required on checklists. (Trombley, Merrimack 4, to Constitutional and Statutory Revision)  
93, am 411, psd 555, S conc 1063, enr 1061 (Chapter 245)
- HB 549-FN.** relative to early retirement for group I members of the retirement system. (O'Rourke, Hillsborough 35, et al, to Executive Departments and Administration)  
**new title:** relative to early retirement for state employee group I members of the retirement system.  
93, ext 245, am & Approp 395-396, am 776, psd 782 (K)
- HB 550-FN.** relative to the withdrawal of accumulated contributions and retirement system membership. (Goulet, Hillsborough 11, et al, to Executive Departments and Administration)  
93, Approp 287, psd 777, 782, S conc 911, enr 951 (Chapter 142)
- HB 551.** relative to the distribution of taxes from towns to village districts. (Markley, Grafton 6, to Municipal and County Government)  
93, am 438-439, psd 556, S conc 911, enr 905 (Chapter 90)
- HB 552-FN.** relative to funding medical benefits for retired group I members of political subdivisions. (Malcolm, Rockingham 17, to Executive Departments and Administration)  
93, K 254
- HB 553-FN.** relative to the Bridge Street Bridge over Storrs Street in the city of Concord. (Weeks, Merrimack 21, et al, to Public Works)  
93, psd 449, 556, S conc 911, enr 904 (Chapter 91)
- HB 554-FN.** permitting the Wolfeboro district court and the Ossipee district court to hold sessions in the same location. (Dickinson, Carroll 2, et al, to Judiciary)  
93, Com 226, 1256
- HB 555.** limiting horsepower on Big Pea Porridge Pond. (Dickinson, Carroll 2, et al, to Transportation)  
93, psd 378, 392, S conc 785, enr 843 (Chapter 33)
- HB 556-FN.** relative to certain minor dependent children's eligibility for assistance. (Ziegra, Belknap 6, et al, to Municipal and County Government)  
93, K 439



- HB 557-FN.** relative to the BOCA code. (J. Chandler, Merrimack 1, et al, to State Institutions and Housing)  
93, SO 617, Com 622, 1256
- HB 558-FN.** relative to seniority credit to protect veterans from layoffs and relative to maintenance and security costs charged by the adjutant general for rental of armories. (F. Riley, Hillsborough 44, et al, to Executive Departments and Administration)  
93, K 254
- HB 559-FN.** relative to commercial and recreational fisheries. (Vaughn, Rockingham 27, et al, to Fish and Game)  
94, am 361, psd 392, S conc 1022, enr 1042 (Chapter 198)
- HB 560-FN.** relative to bacteriological standards and reclassifying certain waters. (L. Smith, Hillsborough 21, to Resources, Recreation and Development)  
**new title:** relative to bacteriological standards and reclassifying certain waters and relative to the sale of certain batteries.  
**2nd new title:** relative to bacteriological standards and reclassifying certain waters and establishing a study committee to examine the issue of recreational mining in the state's rivers.  
94, am 612-616, psd 617, nonconc S am, conf 1049, 1052, 1065, rep adop 1166, enr am 1207-1208, enr 1214 (Chapter 371)
- HB 561.** enabling towns to limit reconsideration of town meeting votes. (R. Johnson, Rockingham 1, to Municipal and County Government)  
94, psd 403, 554, S conc 1094, enr 1091 (Chapter 284)
- HB 562.** extending the surgical authority of podiatrists. (D. Sytek, Rockingham 20, et al, to Health, Human Services and Elderly Affairs)  
94, Com 425, 1256
- HB 563-FN.** relative to the creation of trust funds and relative to unanticipated school funds. (Robinson, Hillsborough 12, to Education)  
94, am 488, psd 557, nonconc S am, conf 1050, 1065, rep adop 1166, enr 1181 (Chapter 329)
- HB 564-FN.** enabling towns and cities to establish heritage commissions. (Connell, Rockingham 4, et al, to Municipal and County Government)  
94, Com 439, 1256
- HB 565-FN.** relative to marine oil spill response. (E. Greene, Rockingham 18, et al, to Resources, Recreation and Development)  
**new title:** relative to marine oil spill response, oil spillage in surface waters or groundwaters and underground storage tanks.  
94, am 507-516, psd 557, S conc 785, enr am 874, enr 904 (Chapter 92)
- HB 566-FN.** relative to fuel efficiency standards for state vehicles. (A. Merrill, Strafford 4, et al, to Executive Departments and Administration)  
94, K 646
- HB 567.** relative to step-parent's visitation rights. (Maviglio, Belknap 1, to Children, Youth and Juvenile Justice)  
94, am 405, psd 554, conc S am 876, enr 905 (Chapter 93)
- HB 568-FN.** relative to zoning variances and exceptions. (A. Merrill, Strafford 4, et al, to Municipal and County Government)  
94, K 439
- HB 569.** to reapportion county commissioner districts. (Gross, Merrimack 16, to Constitutional and Statutory Revision)  
94, Com 412, 1256
- HB 570-FN.** relative to a cost of living adjustment for retired firefighters. (Reidy, Hillsborough 45, et al, to Executive Departments and Administration)  
94, K 254-255
- HB 571-FN.** relative to multiple-employer welfare arrangements. (Foss, Strafford 10, to Commerce, Small Business and Consumer Affairs)  
94, am 478-480, psd 556, conc S am 1050, enr 1061 (Chapter 246)
- HB 572.** relative to exclusions in automobile insurance. (Krueger, Sullivan 6, to Commerce, Small Business and Consumer Affairs)  
94, am 409, psd 555, nonconc S am, conf 914, 1021, rep adopt 1166, enr 1181 (Chapter 330)
- HB 573.** relative to unauthorized insurance. (Foss, Strafford 10, to Commerce, Small Business and Consumer Affairs)  
94, psd 195-196, 219, S conc 874, enr 904 (Chapter 94)
- HB 574-FN.** relative to managing general agents. (Foss, Strafford 10, to Commerce, Small Business and Consumer Affairs)  
94, am 480-481, psd 556, S conc 874, enr 904 (Chapter 95)
- HB 575.** relative to liquidation and rehabilitation of insurance companies. (Foss, Strafford 10, to Commerce, Small Business and Consumer Affairs)  
94, psd 481, 556, S conc 874, enr 904 (Chapter 96)

- HB 576-FN**, relative to the investments which may be made by New Hampshire domestic insurers, other than life insurers. (Foss, Strafford 10, to Commerce, Small Business and Consumer Affairs)  
94, psd 481, 556, nonc S am, conf 1050, 1052, 1065, rep adop 1166, enr am 1208, enr 1214 (Chapter 372)
- HB 577**, relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board. (Perry, Cheshire 10, to Municipal and County Government)  
**new title**: relative to the effect of zoning changes and amendments on plats or applications accepted by a planning board and relative to the Pease development authority.  
94, am 439-440, psd 556, nonconc S am, conf 1067, 1081, rep adop 1166, enr 1181 (Chapter 331)
- HB 578**, establishing an advisory committee on Governors state park in Laconia. (Maviglio, Belknap 1, et al, to Resources, Recreation and Development)  
94-95, am 235-236, psd 244, conc S am 846, enr 905 (Chapter 97)
- HB 579**, relative to municipal charters. (Perry, Cheshire 10, et al, to Municipal and County Government)  
95, psd 465, 556, conc S am 1050, enr am 1171-1172, enr 1179 (Chapter 304)
- HB 580**, relative to insurance rebates and automobile financing. (Malcolm, Rockingham 17, et al, to Commerce, Small Business and Consumer Affairs)  
95, am 481-482, psd 557, S conc 874, enr 904 (Chapter 98)
- HB 581**, relative to eviction of a tenant for nonpayment of rent. (Ouellette, Hillsborough 48, to State Institutions and Housing)  
**new title**: relative to personal property of tenants.  
**2nd new title**: relative to enforcement of default judgments against tenants and relative to personal property of tenants.  
95, am 389-390, psd 392, nonconc S am, conf 1067, 1081, rep adop 1166, enr am 1208, enr 1214 (Chapter 373)
- HB 582-FN**, relative to ozone-depleting compounds. (B. McCann, Hillsborough 31, to Executive Departments and Administration)  
95, com changed 146, Com 532-533, 1256
- HB 583-FN**, relative to carrying pistols and revolvers. (D. Wheeler, Hillsborough 10, et al, to Public Protection and Veterans Affairs)  
95, am 448-449, psd 556, nonconc S am 1067
- HB 584-FN**, relative to mandatory automobile insurance. (Pelley, Strafford 10, et al, to Commerce, Small Business and Consumer Affairs)  
95, Com 409, 1256
- HB 585-FN**, recodifying the laws relative to emergency medical services. (Cowenhoven, Hillsborough 9, et al, to Health, Human Services and Elderly Affairs)  
95 Com 545, 1256
- HB 586-FN**, relative to imposing liens for delinquent fees for recycling services provided by municipalities. (Kilbride, Coos 8, et al, to Municipal and County Government)  
95, K 440
- HB 587-FN**, relative to the resolution of public employee labor disputes. (R. Hawkins, Belknap 5, to Municipal and County Government)  
95, ext 146, K 440
- HB 588-FN**, to allow the Wakefield school district to withdraw from school administrative unit number 64 and to establish an independent school administrative unit coextensive with its own school district boundaries. (G. Wiggan, Carroll 7, et al, to Education)  
95, K 417
- HB 589-FN**, relative to holding companies. (Foss, Strafford 10, to Commerce, Small Business and Consumer Affairs)  
95, am 642-644, psd 674, S conc 874, enr 904 (Chapter 99)
- HB 590-FN**, relative to employee leaves of absence for family and catastrophic medical purposes. (Elliott, Hillsborough 2, et al, to Labor, Industrial and Rehabilitative Services)  
95, SO 330, Com 355, 1256
- HB 591**, reapportioning the state house of representatives districts. (Burns, Coos 5, et al, to Constitutional and Statutory Revision)  
95, Com 412, 1256
- HB 592-FN-A**, relative to a business tax and making an appropriation therefor. (D. Sytek, Rockingham 20, to Ways and Means)  
**new title**: relative to court fees.  
95, rcmt 125, am 726-729, psd 737, S nonconc 1094
- HB 593-FN-A**, relative to the rate of the business profits tax. (D. Sytek, Rockingham 20, to Ways and Means)  
95, rcmt (RC) 120-124, psd (2 RC) 172-181, 182, nonconc S am, conf 474-475, 559, rep adop (RC) 680-683, enr 700 (Chapter 5)

- HB 594-FN**, relative to repealing the law relative to the reorganization of Public Service Company of New Hampshire. (Chambers, Grafton 12, et al, to Science, Technology and Energy)  
95, SO 330 K (RC) 348-352
- HB 595-FN**, relative to citations for building code and land use violations. (Nordgren, Grafton 12, et al, to Municipal and County Government)  
96, am 440-441, psd 556, nonconc S am, conf 1050, 1065, 1085, rep adop 1166, enr am 1208, enr 1214 (Chapter 374)
- HB 596-FN**, relative to manufactured housing park rules and penalties for violation of certain conditions in manufactured housing parks. (Katsakiores, Rockingham 7, to State Institutions and Housing)  
96, K 376
- HB 597-FN**, relative to licensing of nurses. (Copenhaver, Grafton 12, et al, to Health, Human Services and Elderly Affairs)  
96, psd 258, 331, S conc 785, enr 843 (Chapter 34)
- HB 598-FN**, requiring testing of certain sex offenders for human immunodeficiency virus and other sexually transmitted diseases. (S. Green, Hillsborough 36, to Judiciary)  
96, K 366
- HB 599-FN**, relative to the storage and disposal of low-level radioactive waste. (Arnesen, Grafton 7, et al, to Science, Technology and Energy)  
96, Com 516, 1256
- HB 600-FN**, providing additional protection to historic boundaries. (Millard, Merrimack 4, to Public Works)  
96, K 232
- HB 601-FN-A**, establishing a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program. (W. Boucher, Rockingham 23, et al, to Resources, Recreation and Development)  
**new title:** establishing a public access advisory board and a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program.  
96, rem 246, am & Approp 319-326, Com 777, 1256
- HB 602-FN-A**, reinstating the dental program for children and making an appropriation therefor. (Copenhaver, Grafton 12, et al, to Children, Youth and Juvenile Justice)  
96, Com 275, 1257
- HB 603-FN**, to establish a state mandates task force to recommend modification or repeal of those state mandates imposed upon municipalities and school districts which are deemed unnecessary or too expensive. (Teschner, Grafton 5, et al, to Legislative Administration)  
**new title:** to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts.  
**2nd new title:** to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts and establishing a commission to study and recommend elimination of state-mandated programs.  
**3rd new title:** to establish a mandates task force to recommend modification or repeal of those unfunded mandates imposed upon municipalities and school districts.  
96, am 429-430, psd 555, nonconc S am, conf 1068, 1081, rep adop 1167, enr am 1208-1209, enr 1214, appointments 1266 (Chapter 389)
- HB 604**, granting rulemaking authority to the division of waste management relative to infectious waste. (Millard, Merrimack 4, to Environment and Agriculture)  
**new title:** granting rulemaking authority to the division of waste management relative to special waste and defining special waste.  
96, am 423-424, psd 555, conc S am 1008, enr 1043 (Chapter 168)
- HB 605-FN**, establishing a committee to study the feasibility of a mass transportation authority. (Senter, Rockingham 9, et al, to Transportation)  
96, K 465
- HB 606-FN**, prohibiting discrimination on the basis of sexual orientation or national origin. (Trombly, Merrimack 4, et al, to Executive Departments and Administration)  
96, K (RC) 541-544
- HB 607**, permitting actions for damages resulting from violations of unemployment and workers' compensation laws by bidders on construction contracts. (O'Rourke, Hillsborough 35, et al, to Judiciary)  
**new title:** permitting actions for damages resulting from violations of workers' compensation laws by bidders on construction contracts.  
**2nd new title:** permitting actions for damages resulting from violations of workers compensation laws by bidders on construction contracts and relative to tort immunity for self-insured pools.  
**3rd new title:** permitting actions for damages resulting from violations of workers compensation laws by bidders on construction contracts, relative to tort immunity for self-insured pools and

increasing the size of the compensation appeals board.

96, com changed 185, am 429, psd 555, nonconc S am, conf 1008, 1044, rules suspended & rep adop 1167, enr am 1209, enr 1214 (Chapter 376)

**HB 608-FN**, relative to the law enforcement authority of forest rangers and officials of the division of forests and lands. (Dyer, Hillsborough 7, et al, to Public Protection and Veterans Affairs)  
96, am & Approp 228, psd 711, 736, S conc 1022, enr am 1172, enr 1179 (Chapter 305)

**HB 609-FN**, relative to mountain ridge protection. (N. Ford, Hillsborough 24, et al, to Resources, Recreation and Development)  
97, K 236

**HB 610-FN**, establishing a committee to study how the department of administrative services may efficiently collect the fines and fees imposed by the state. (Malcolm, Rockingham 17, et al, to Executive Departments and Administration)

**new title:** establishing a committee to study means of approving programs for collecting the fines and fees imposed by the state.

97, psd 544, 557, conc S am 1068, enr 1091, appointments 1266 (Chapter 285)

**HB 611-FN**, relative to plastic holding devices used in packaging. (L. Smith, Hillsborough 21, et al, to Environment and Agriculture)

97, rem 403, am & Approp 473-474, am 711-712, psd 736, nonconc S am, conf 1050, 1051, 1065, rep adop 1167, enr 1181 (Chapter 332)

**HB 612-FN**, relative to relaying information on budgetary matters to parents of school children. (Domaingue, Hillsborough 42, to Education)  
97, K 395

**HB 613-FN**, relative to the procedures of the certificate of need board. (R. Foster, Carroll 4, et al, to Health, Human Services and Elderly Affairs)

97, am 497-498, psd 557, nonconc S am, conf 1050, 1065, rep adop 1167, enr 1181 (Chapter 333)

**HB 614-FN-A**, relative to restoring the sunset process and making an appropriation therefor. (Stamatakis, Sullivan 4, et al, to Executive Departments and Administration)

97, Com 255, 1257

**HB 615-FN**, relative to sand and gravel. (K. Wheeler, Strafford 4, et al, to Environment and Agriculture)

97, SO 533, 560, Com 566, 1257

**HB 616-FN**, relative to discrimination in insurance policies. (Braiterman, Merrimack 3, et al, to Commerce, Small Business and Consumer Affairs)

97, Com 482, 1257

**HB 617-FN**, relative to fishing permits for certain head-injured persons. (Kinney, Strafford 6, et al, to Fish and Game)

97, am 361-362, psd 392, conc S am 1008, enr 1059 (Chapter 247)

**HB 618-FN**, adding the choice of "none of the above" to state election ballots. (Gilmore, Strafford 7, to Constitutional and Statutory Revision)

97, K 476

**HB 619-FN**, relative to central business districts. (Bourque, Hillsborough 35, et al, to Municipal and County Government)

**new title:** relative to central business districts and the community development finance authority.  
97, psd 261, 331, nonconc S am, conf 1050, 1065, rep adop 1175, enr 1181 (Chapter 334)

**HB 620-FN**, relative to the transportation of alcohol in open containers. (N. Ford, Hillsborough 24, et al, to Transportation)

97, rem 246, SO 330, am 357-358, psd 392, conc S am (RC) 1008, 1011, enr 1060 (Chapter 207)

**HB 621-FN**, relative to voting by absentee ballot. (Dickinson, Carroll 2, et al, to Constitutional and Statutory Revision)

98, am 412, psd 555, nonconc S am 1068

**HB 622-FN**, relative to a debt management plan. (Kirk, Hillsborough 3, to Ways and Means)  
98, am 729-731, psd 737, S conc 1094, enr 1181 (Chapter 335)

**HB 623-FN**, relative to contracts negotiated by public employers. (Skinner, Rockingham 21, et al, to Municipal and County Government)

98, Com 605-606, 1257

**HB 624-FN**, relative to removing candidates' signs after an election. (Kirk, Hillsborough 3, to Constitutional and Statutory Revision)

98, am 476, psd 556, S nonconc 1064

**HB 625-FN**, relative to hearings on tax abatements for property taxes. (Malcolm, Rockingham 17, to Municipal and County Government)

98, am 441, psd 556, S nonconc 1044

**HB 626-FN-A**, relative to a constitutional literacy exam for public officials and certain employees and making an appropriation therefor. (Ouellette, Hillsborough 48, to Education)

98, K 281



- HB 627-FN**, relative to the treatment of repeat DWI offenders. (Hultgren, Hillsborough 1, et al, to Judiciary)  
98, am 549-551, psd 557, nonconc S am, conf 1084, 1095, rep adop 1167, enr 1181 (Chapter 336)
- HB 628-FN**, relative to providing alcohol to persons under 21 years of age. (Spencer, Strafford 4, et al, to Judiciary)  
98, K 500
- HB 629-FN**, establishing a task force on congregate housing. (A. Bourque, Hillsborough 35, et al, to State Institutions and Housing)  
98, am 390-391, psd 392, conc S am 846, enr 903, appointments 1267 (Chapter 100)
- HB 630-FN**, establishing a committee to study methods of providing assistance to remove lead paint from certain homes. (Walsh, Sullivan 7, et al, to Children, Youth and Juvenile Justice)  
98, K 221
- HB 631-FN**, relative to dimensions of front and rear motor vehicle bumpers. (Doucette, Cheshire 17, et al, to Transportation)  
98, rem 404, K 474
- HB 632-FN**, relative to special education. (Skinner, Rockingham 21, et al, to Education)  
98, Com 488, 1257
- HB 633-FN**, to clarify the handling of administrative fees required by local land use boards, relative to elected planning board members, and relative to the definition of "mayor" for planning and zoning purposes. (Trombly, Merrimack 4, to Municipal and County Government)  
98, psd 441, 556, S conc 1063, enr am 1209-1212, enr 1214 (Chapter 377)
- HB 634-FN**, to allow the Wakefield school district to withdraw from the Branch River cooperative school district. (G. Wiggin, Carroll 7, to Education)  
99, K 417
- HB 635-FN**, establishing a study committee to review misdemeanors and misdemeanor sentencing. (Hager, Merrimack 21, to Judiciary)  
**new title:** authorizing the house judiciary committee to study misdemeanors and misdemeanor sentencing.  
99, am 500-501, psd 557, S nonconc 875
- HB 636-FN**, increasing witness fees and mileage. (L'Heureux, Hillsborough 13, et al, to Judiciary)  
99, K 226
- HB 637-FN**, relative to insurance fraud. (Foss, Strafford 10, to Commerce, Small Business and Consumer Affairs)  
99, am 249-250, psd 330, conc S am 1050, enr 1060 (Chapter 248)
- HB 638-FN**, relative to credit for reinsurance. (Foss, Strafford 10, to Commerce, Small Business and Consumer Affairs)  
99, am 644-646, psd 674, S conc 875, enr 905 (Chapter 114)
- HB 639-FN**, establishing reuse and same use beverage container requirements. (Arnesen, Grafton 7, et al, to Environment and Agriculture)  
99, Com 424, 1257
- HB 640**, relative to political contributions, write-in candidates, and distributing campaign literature at polling places. (Jacobson, Merrimack 2, to Constitutional and Statutory Revision)  
99, K 476
- HB 641-FN**, relative to oil spillage in surface waters or ground waters and relative to underground storage tanks. (Lewis, Merrimack 5, to Resources, Recreation and Development)  
99, K 516
- HB 642-FN**, relative to the regulation of cable television. (Baker, Hillsborough 19, et al, to Science, Technology and Energy)  
99, SO 330, Com 356, 1257
- HB 643-FN**, relative to the recall of elected public officials. (Kurk, Hillsborough 3, to Constitutional and Statutory Revision)  
99, K 222
- HB 644**, allowing banks to write insurance as an agent or broker of an insurance company in certain instances. (Lozeau, Hillsborough 25, to Commerce, Small Business and Consumer Affairs)  
99, K 410
- HB 645-FN**, relative to the practice of architecture. (Holden, Hillsborough 9, to Executive Departments and Administration)  
99, K 544
- HB 646-FN**, relative to the disposal of certain solid waste products and leaf and yard waste. (A. Merrill, Strafford 4, et al, to Environment and Agriculture)  
99, Com 533, 1257
- HB 647-FN**, prohibiting price gouging in the sale of fuel products. (Spear, Cheshire 13, et al, to Commerce, Small Business and Consumer Affairs)  
99, K 482

- HB 648-FN**, relative to the industrial development authority and the housing finance authority. (Arnesen, Grafton 7, et al. to Appropriations)  
**new title:** establishing the New Hampshire economic development commission.  
 99, am 777-778, psd 782, nonconc S am, conf 1051, 1065, rep adop 1167, enr 1181, appointments 1267 (Chapter 337)
- HB 649-FN**, relative to roadside litter cleanup. (J. Chandler, Merrimack 1, to Ways and Means)  
**new title:** relative to the cigarette tax.  
 99, am 731, psd 737, S conc 1094, enr 1091, veto sustained (RC) 1225-1229
- HB 650-FN**, prohibiting advertising of tobacco products on billboards and signs. (Arnesen, Grafton 7, et al. to Judiciary)  
 99, K 381-382
- HB 651-FN**, establishing a hazardous materials cleanup fund. (Daigle, Hillsborough 24, to Environment and Agriculture)  
 100, Com 223, 1257
- HB 652-FN**, relative to the duties of the board of tax and land appeals and the department of revenue administration. (Wadsworth, Grafton 13, to Ways and Means)  
 100, com changed 145, psd 441, 556, S conc 1045, enr am 1172-1173, enr 1179 (Chapter 306)
- HB 653**, relative to defense and indemnification of state officers and employees. (Burling, Sullivan 1, et al. to Legislative Administration)  
 100, am 603, psd 617, S conc 1022, enr 1043 (Chapter 199)
- HB 654-FN**, establishing an ethics committee to regulate public officials. (McGovern, Rockingham 27, et al. to Legislative Administration)  
 100, Com 260, 1257
- HB 655-FN**, relative to statistical reports. (Fillion, Merrimack 15, to Education)  
 100, psd 488, 557, S conc 911, enr am 1007, enr 1043 (Chapter 169)
- HB 656-FN**, relative to reckless conduct. (A. Bourque, Hillsborough 35, et al. to Judiciary)  
**new title:** relative to criminal mischief.  
 100, am 366-367, psd 392, S conc 740, enr 810 (Chapter 35)
- HB 657-FN**, relative to expediting the hearing procedures of the board of tax and land appeals. (Kurk, Hillsborough 3, to Executive Departments and Administration)  
 100, SO 330, K 346
- HB 658-FN**, relative to uninsured or hit-and-run motor vehicle coverage. (Fair, Merrimack 7, to Commerce, Small Business and Consumer Affairs)  
 100, am 482, psd 557, S nonconc 1022
- HB 659-FN**, relative to legal representation in eviction proceedings. (Ouellette, Hillsborough 48, to State Institutions and Housing)  
 100, am 376-377, psd 392, S nonconc 875
- HB 660-FN-A**, establishing a highway betterment program and making an appropriation therefor. (LaMott, Grafton 5, to Public Works)  
**new title:** establishing a highway and bridge betterment program and making an appropriation therefor.  
**2nd new title:** establishing a highway and bridge betterment program and continually appropriating the highway and bridge betterment account.  
 100, am & Ways and Means 295-297, psd 683, 700, conc S am 1051, enr 1080 (Chapter 249)
- HB 661-FN**, allowing annulments of criminal records of persons who served a term of imprisonment. (Stamatakis, Sullivan 4, to Judiciary)  
 100, am 501, psd 557, S nonconc 1022
- HB 662-FN**, to establish a joint legislative oversight committee on New Hampshire retirement system funds. (LaMott, Grafton 5, et al. to Executive Departments and Administration)  
 100, K 544-545
- HB 663-FN-A**, establishing a pilot project in the Sullivan county superior court to train volunteer attorneys to serve as mediators and making an appropriation therefor. (Peyron, Sullivan 2, et al. to Judiciary)  
 100, Com 289, 1257
- HB 664-FN**, relative to illegal possession of alcohol. (G. Merrill, Coos 1, to Judiciary)  
 100, K 428
- HB 665-FN**, prohibiting the use of computer-generated telephone calls for solicitation purposes. (Walsh, Sullivan 7, to Science, Technology and Energy)  
 100, K 270-271
- HB 666-FN**, relative to protection and control of municipal highways. (Musler, Strafford 3, to Municipal and County Government)  
 100, psd 606, 617 (S LT)
- HB 667-FN**, relative to clean-up of health nuisances. (Haettenschwiller, Hillsborough 28, to Health, Human Services and Elderly Affairs)  
 100, psd 545, 557, S conc 1045, enr 1060 (Chapter 208)

- HB 668-FN.** making theft of a motor vehicle a misdemeanor. (Wright, Hillsborough 18, et al, to Judiciary)  
100, K 227
- HB 669-FN.** relative to the borrowing authority of the state treasurer. (Kurk, Hillsborough 3, to Appropriations)  
**new title:** relative to the borrowing authority of the state treasurer and relative to the industrial development authority and the housing finance authority.  
100, psd 778, 782, nonconc S am, conf 1084, 1095, 1215, rules suspended & rep adop 1224-1225, enr 1235 (Chapter 378)
- HB 670-FN.** relative to condominium conversion of manufactured housing parks. (Soldati, Merrimack 19, et al, to State Institutions and Housing)  
100-101, SO 617, am (RC) 622-627, psd 674, S conc 911, enr 906, appointments 1267 (Chapter 143)
- HB 671-FN-A.** increasing the gasoline tax and earmarking the percentage increase in the gasoline tax for mass transit, elderly, and handicapped transportation purposes. (Nardi, Hillsborough 35, et al, to Public Works)  
101, K 297
- HB 672-FN.** relative to standards for fire safety for community living facilities. (Senter, Rockingham 9, et al, to Public Protection and Veterans Affairs)  
101, psd 369, 392, S conc 846, enr 873 (Chapter 64)
- HB 673-FN.** reinstating the charter of Capital Leasing Company, Inc. (Teague, Merrimack 18, to Constitutional and Statutory Revision)  
**new title:** reinstating the charter of Capitol Leasing Company, Inc. and of Hagen and Spiegali, Inc.  
101, am 412-413, psd 555, S conc 911, enr 952 (Chapter 115)
- HB 674 FN.** designating segments of the Pemigewasset, Contoocook and North Branch of the Contoocook Rivers as protected rivers. (Maviglio, Belknap Dist. 1, et al, to Resources, Recreation and Development)  
101, rem 477, SO 617, am (RC) 634-640, psd 674, conc S am 1051, enr am 1173-1174, enr 1181 (Chapter 338)
- HB 675-FN.** relative to DWI penalties while operating a motor vehicle, OHRV, or boat or while transporting a child. (R. Foster, Carroll 4, et al, to Judiciary)  
101, Com 502, 1257
- HB 676-FN.** relative to notice of discontinuance of class IV, V or VI highways. (J. Chandler, Merrimack Dist. 1, et al, to Public Works)  
101, SO 330, rcmt 356, psd 672-673, 674, S conc 785, enr 843 (Chapter 36)
- HB 677-FN.** establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases. (Murphy, Hillsborough 40, et al, to Judiciary)  
101, Com 227, 1257
- HB 678-FN.** relative to job security. (Pelley, Strafford 10, to Labor, Industrial and Rehabilitative Services)  
101, SO 330, K 356
- HB 679-FN.** relative to New Hampshire compliance with the Clean Air Act. (E. Greene, Rockingham 18, et al, to Environment and Agriculture)  
101, Com 223, 1257
- HB 680-FN.** relative to manufactured housing on the land of another. (Daniels, Hillsborough 10, et al, to Municipal and County Government)  
101, psd 441-442, 556, S conc 1081, enr 1147 (Chapter 293)
- HB 681-FN.** relative to a private property protection act. (Daniels, Hillsborough 10, et al, to Judiciary)  
101, Com 227, 1257
- HB 682-FN.** relative to field purchase orders in the department of administrative services. (R. Kelley, Hillsborough 13, et al, to Executive Departments and Administration)  
101, K 545
- HB 683-FN-A.** establishing a transportation task force for the twenty-first century and making an appropriation therefor. (Marsh, Coos 1, to Transportation)  
101, am 272-273, psd 331, conc S am 914, enr am 1063, enr 1091, appointments 1267-1268 (Chapter 250)
- HB 684-FN-A.** regarding the committee to study conservation and preservation of state historic flags and making an appropriation therefor. (Wall, Strafford 4, et al, to Public Protection and Veterans Affairs)  
101, am 387-388, psd 392, conc S am 955, enr 1043, appointments 1268 (Chapter 170)
- HB 685-FN.** relative to the fiscal note process. (Kurk, Hillsborough 3, to Legislative Administration)  
**new title:** relative to fiscal notes.  
102, am 260-261 psd 331 (K)

- HB 686-FN-A**, establishing a trauma care registry and making an appropriation therefor. (Cownhoven, Hillsborough 9, et al, to Health, Human Services and Elderly Affairs)  
102, Com 288, 1257
- HB 687-FN**, relative to medicare balance charges. (Soldati, Merrimack 19, et al, to Health, Human Services and Elderly Affairs)  
102, com changed 145, Com 475-476, 1257
- HB 688**, relative to the Mount Washington Regional and the Berlin Municipal Airports. (Nelson, Coos 8, et al, to Public Works)  
102, Approp 232, psd 712, 736, nonconc S am, conf 955, 1021-1022, rep adop 1167, enr 1181 (Chapter 307)
- HB 689-FN**, relative to administrative motor vehicle license revocation. (Spencer, Strafford 4, et al, to Judiciary)  
102, Com 502, 1257
- HB 690-FN**, relative to a supplemental property tax. (Katsakiores, Rockingham 7, et al, to Municipal and County Government)  
102, K 442
- HB 691-FN**, relative to licensing and certification of real estate appraisers. (Emerton, Hillsborough 6, to Executive Departments and Administration)  
**new title:** relative to licensing and certification of real estate appraisers and licensing private detectives.  
102, am 489-491, psd 557, S conc 1063, enr am 1174, enr 1179 (Chapter 308)
- HB 692-FN**, relative to reinsurance intermediaries. (Foss, Strafford 10, to Commerce, Small Business and Consumer Affairs)  
102, psd 410, 555, S conc 875, enr am 1007, enr 1043 (Chapter 200)
- HB 693-FN**, relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses. (Jasper, Hillsborough 19, et al, to Judiciary)  
102, Com 502, 1257
- HB 694-FN**, relative to mandatory automobile insurance. (LaMar, Cheshire 16, et al, to Commerce, Small Business and Consumer Affairs)  
102, K 410
- HB 695-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks. (Lozeau, Hillsborough 25, et al, to State Institutions and Housing)  
102, ext 186, SO 617, Com 627, 1257
- HB 696-FN**, relative to penalties for the sale and distribution of tobacco products to minors. (A. Bourque, Hillsborough 35, et al, to Children, Youth and Juvenile Justice)  
102, psd 221, 243, S nonconc 1044
- HB 697-FN**, relative to compliance with local codes and zoning ordinances and the operation of child day care agencies. (Searles, Hillsborough 19, et al, to Municipal and County Government)  
102, Com 442, 1257
- HB 698-FN**, relative to debt collection agencies and consumer credit reporting agencies. (Rosenkrantz, Rockingham 15, to Commerce, Small Business and Consumer Affairs)  
102, Com 222, 1257
- HB 699-FN**, relative to solid waste reduction. (B. Hall, Hillsborough 16, to Environment and Agriculture)  
102, Com 424, 1257
- HB 700-FN**, relative to highway planning corridors. (Marsh, Coos 1, et al, to Public Works)  
103, psd 232, 244, nonconc S am, conf 1084, recon & conc S am 1094, enr am 1174, enr 1179 (Chapter 309)
- HB 701-FN**, relative to protecting personal privacy. (Record, Hillsborough 23, et al, to Judiciary)  
103, am 502, psd 557, S nonconc 1022
- HB 702**, relative to designated smoking sections in public buildings. (LaMott, Grafton 5, et al, to Commerce, Small Business and Consumer Affairs)  
**new title:** relative to designated smoking sections in certain buildings and offices.  
103, am 482-483, psd 557, S nonconc 846
- HB 703-FN**, relative to the negligent discharge of firearms. (Perham, Hillsborough 10, et al, to Fish and Game)  
103, am 223, psd 243, S conc 740, enr 810 (Chapter 37)
- HB 704**, relative to liquidation under the supervision of the bank commissioner. (B. Packard, Hillsborough 15, to Commerce, Small Business and Consumer Affairs)  
103, am 483-484, psd 557, conc S am 1051, enr 1061 (Chapter 251)
- HB 705-FN-A**, establishing the New Hampshire scenic byways planning program. (Dickinson, Carroll 2, et al, to Resources, Recreation and Development)  
103, am 317-318, psd 331, S conc 1045, enr 1061, appointments 1275 (Chapter 209)



- HB 706-FN**, relative to the allowable length of semi-trailers. (D. Wheeler, Hillsborough 10, to Transportation)  
103, SO 617, am 627, psd 674, S conc & enr 846 (Chapter 45)
- HB 707-FN**, relative to contracts for services other than counsel. (Gross, Merrimack 16, et al, to Judiciary)  
**new title**: relative to contracts for stenographic and clerical services for indigent defense.  
103, psd 367, 392, conc S am 785, enr 846 (Chapter 46)
- HB 708-FN**, relative to reckless conduct. (D. Wheeler, Hillsborough 10, to Judiciary)  
103, K 227
- HB 709-FN**, establishing a study committee relative to clearcutting forest resources. (G. Dodge, Carroll Dist. 2, et al, to Resources, Recreation and Development)  
**new title**: establishing a study committee relative to clearcutting forest resources and extending the effective date for rulemaking by the board of licensing for foresters.  
**2nd new title**: establishing a study committee relative to clearcutting forest resources, extending the effective date for rulemaking by the board of licensing for foresters, and relative to notices of intent to cut.  
103, rem 477, SO 617, am 640-642, psd 674, nonconc S am, conf 1051, 1065, rep LT 1167, rep adop 1170, enr am 1212, enr 1214, appointments 1268 (Chapter 375)
- HB 710-FN**, relative to the regulation of tree stands, observation blinds, and pit blinds. (Hoar, Rockingham 6, to Fish and Game)  
103, SO 330, rcmt 348, am 491-492, psd 557, S conc 954, enr 1005 (Chapter 144)
- HB 711-FN**, extending the reporting date for the committee to study child care in public and private sector buildings. (Searles, Hillsborough 19, et al, to Children, Youth and Juvenile Justice)  
103, rem 221, am 241-242, psd 244, S conc 740, enr 810 (Chapter 38)
- HB 712-FN**, relative to access to health care for the uninsured. (Fair, Merrimack 7, et al, to Health, Human Services and Elderly Affairs)  
103, Com 258, 1257
- HB 713-FN**, relative to the general counsel of the public utilities commission. (Rodeschin, Sullivan 2, to Executive Departments and Administration)  
103, am 255, psd 331, nonconc S am, conf 1051, 1065, rep adop 1167, enr 1181 (Chapter 339)
- HB 714-FN**, relative to life saving identification labels. (Lefebvre, Hillsborough 29, to Resources, Recreation and Development)  
103, Com 265, 1257
- HB 715-FN**, relative to the right to jury trial in civil cases. (Lown, Hillsborough 9, to Judiciary)  
103, psd 367, 392, conc S am 785, enr 847 (Chapter 47)
- HB 716-FN**, relative to site assessment studies of developed properties with sewage disposal systems. (Roulston, Rockingham 20, et al, to Resources, Recreation and Development)  
103, Com 516, 1257
- HB 717-FN**, permitting the designation by a vehicle owner of a vehicle's recipient upon the owner's death. (Jacobson, Merrimack 2, to Transportation)  
103, am 465, psd 556, S nonconc 912
- HB 718-FN**, relative to improving access to health insurance coverage for employees of small and moderate sized businesses. (Parks, Strafford 6, et al, to Commerce, Small Business and Consumer Affairs)  
103, Com 358, 1258
- HB 719-FN**, establishing an assessment on DWI-related license restorations. (Hashem, Strafford 3, et al, to Transportation)  
104, K 240
- HB 720-FN**, relative to fireworks. (Pantelakos, Rockingham 24, et al, to Public Protection and Veterans Affairs)  
104, psd (RC) 652-655, 674, conc S am 1068, enr 1091, appointments 1268 (Chapter 286)
- HB 721-FN-A**, relative to hiring additional weights and measures inspectors and making an appropriation therefor. (M. Campbell, Rockingham 20, to Environment and Agriculture)  
104, Approp 252, K 713
- HB 722-FN**, relative to the control and regulation of billboards and other advertising devices and establishing an outdoor advertising study committee. (Dickinson, Carroll 2, et al, to Resources, Recreation and Development)  
104, am 265-268, psd 331, nonconc S am 914
- HB 723-FN**, relative to Concord - state cooperation. (Stio, Merrimack 5, et al, to Public Works)  
104, am 449-450, psd 556, S conc 911, enr 952 (Chapter 116)
- HB 724-FN**, requiring a waiting period for certain applicants for public assistance. (Ziegra, Belknap 6, et al, to Municipal and County Government)  
104, K 442
- HB 725-FN**, relative to requiring public assistance recipients to work. (Ouellette, Hillsborough 48, et al, to Health, Human Services and Elderly Affairs)  
104, K 425

- HB 726-FN-A**, relative to vital records and continually appropriating a fund for records automation. (W. McCain, Rockingham 11, et al, to Health, Human Services and Elderly Affairs)  
104, Com 259, 1258
- HB 727-FN**, relative to DWI testing, penalties for drug possession in a motor vehicle, motor vehicle equipment and technical corrections in certain motor vehicle laws. (Haynes, Rockingham 9, et al, to Judiciary)  
**new title:** relative to DWI testing, motor vehicle records fees, and commercial driver licenses.  
**2nd new title:** relative to DWI testing and commercial driver licenses.  
104, am & Approp 367-368, SO 778, am 841-842, psd 842, nonconc S am, conf 1084, recon & conc S am 1094, enr 1147 (Chapter 294)
- HB 728-FN**, relative to eliminating state-funded DWI offender rehabilitation programs and ordering minors to attend alcohol education programs. (Chase, Rockingham 28, et al, to Judiciary)  
104, K 227
- HB 729-FN**, placing New Hampshire public elementary and secondary schools under state administration and control. (Jacobson, Merrimack 2, et al, to Education)  
104, K (RC) 281-285
- HB 730-FN**, imposing a fee on all motor vehicles and granting certain rulemaking authority to the division of air resources. (E. Greene, Rockingham 18, et al, to Environment and Agriculture)  
104, Com 252, 1258
- HB 731-FN**, to move liquor licensing and enforcement to the department of safety. (Malcolm, Rockingham 17, et al, to Regulated Revenues)  
104, K (RC) 607-611
- HB 732-FN**, relative to the sale of fireworks and levying a tax thereon. (W. Boucher, Rockingham 23, et al, to Public Protection and Veterans Affairs)  
104, K (RC) 466-469
- HB 733-FN**, establishing a study committee to study public assistance. (Ouellette, Hillsborough 48, to Health, Human Services and Elderly Affairs)  
105, am 425-426, psd 555, nonconc S am 1051
- HB 734-FN-A**, relative to a 2 percent state income tax and making an appropriation therefor. (W. Riley, Cheshire 5, to Ways and Means)  
105, K 470
- HB 735-FN-A**, establishing a solid waste cleanup fund and continually appropriating it to the division of waste management. (Tarpley, Hillsborough 9, et al, to Environment and Agriculture)  
105, K 287
- HB 736-FN**, relative to energy facility siting, licensing and operation. (Rodeschin, Sullivan 2, et al, to Science, Technology and Energy)  
105, am 516-526, psd 557, conc S am 1068, enr 1147 (Chapter 295)
- HB 737-FN-A**, abolishing the university system of New Hampshire fund, requiring the state to guarantee student loans, and appropriating amount needed to repay defaulted loans. (T. Christie, Merrimack 9, to Education)  
105, K 285
- HB 738-FN**, relative to filling vacancies in certain offices. (Flanagan, Rockingham 8, et al, to Constitutional and Statutory Revision)  
105, K 413
- HB 739-FN**, relative to the form of presidential primary election ballots. (Holden, Hillsborough 9, to Constitutional and Statutory Revision)  
105, K 476-477
- HB 740-FN**, relative to campaign expenditures. (Flanagan, Rockingham 8, et al, to Constitutional and Statutory Revision)  
105, Com 413, 1258
- HB 741-FN**, relative to project funding at the university of New Hampshire. (Millard, Merrimack 4, to Education)  
105, K 222
- HB 742-FN**, relative to excavation. (B. Hall, Hillsborough 16, et al, to Environment and Agriculture)  
105, SO 533, am 560-566, psd 617, conc S am 1051, enr am 1174, enr 1179 (Chapter 310)
- HB 743-FN**, relative to listing representatives to the general court on the ballot. (Lozeau, Hillsborough 25, to Constitutional and Statutory Revision)  
105, psd 477, 556, S conc 911, enr 952 (Chapter 117)
- HB 744-FN**, relative to restricting all town and district regular business meetings and elections from being held on biennial election day. (Krueger, Sullivan 6, to Constitutional and Statutory Revision)  
105, Com 413, 1258
- HB 745-FN**, relative to sewage disposal systems. (Dowling, Rockingham 7, to Resources, Recreation and Development)  
**new title:** relative to sewage disposal systems and continually appropriating the sewage disposal

system fund.

105, am & Approp 236-237, am 778-779, psd 782, nonconc S am, conf 1051, 1065, rep adop 1167, enr am 1212, enr 1214 (Chapter 379)

- HB 746-FN**, relative to fees for recording certain documents with town or city clerks. (Klemarczyk, Rockingham 13, et al, to Municipal and County Government)  
**new title:** relative to procedures and fees for recording certain documents with town or city clerks.

**2nd new title:** relative to fees for recording certain documents with town or city clerks.

105, am 606-607, psd 617, conc S am 1052, enr 1061 (Chapter 252)

- HB 747-FN**, relative to liquor stores. (Pelley, Strafford 10, to Regulated Revenues)  
 105, Com 263, 1258

- HB 748-FN**, relative to health insurance benefits for mental health admission to general hospitals. (Foster, Carroll 4, to Commerce, Small Business and Consumer Affairs)  
 105, K 250

- HB 749-FN**, establishing a packaging reduction and recycling act. (Arnesen, Grafton 7, et al, to Environment and Agriculture)  
 105, K 424

- HB 750-FN**, establishing a waste tire management program and delineating a preference for rubberized asphalt paving. (Arnesen, Grafton 7, et al, to Environment and Agriculture)  
**new title:** establishing a committee to study the development of a waste tire management program.

105, am 533-534, psd 557, conc S am 1052, enr 1061, appointments 1269 (Chapter 253)

- HB 751-FN**, concerning the procedure for local enforcement of certain state environmental laws. (Trombly, Merrimack 4, to Municipal and County Government)  
 106, am 442-444, psd 556, nonconc S am, conf 1052, 1065, rep adop 1167, enr 1181 (Chapter 340)

- HB 752-FN**, prohibiting merchants from requiring the recording of a credit card number or expiration date as a condition for check cashing or acceptance. (B. Packard, Hillsborough 35, et al, to Commerce, Small Business and Consumer Affairs)  
 106, am 484, psd 557, S conc 846, enr 873 (Chapter 65)

- HB 753-FN**, redefining compost and encouraging state agencies to utilize New Hampshire-produced compost when appropriate. (A. Merrill, Strafford 4, et al, to Environment and Agriculture)  
 106, psd 534, 557, S conc 1045, enr 1059 (Chapter 210)

- HB 754-FN**, relative to the duties of the secretary of state, the election laws, and certain miscellaneous statutes. (Gilmore, Strafford 7, to Constitutional and Statutory Revision)  
 106, am 414-416, psd 555, S conc 1063, enr 1080 (Chapter 254)

- HB 755-FN-A**, relative to a limited liability company act and appropriating funds for administration. (Mercer, Hillsborough 23, et al, to Judiciary)  
 106, com changed 145, K 275-276

- HB 756-FN**, relative to a victims' bill of rights. (Spear, Cheshire 13, et al, to Judiciary)  
 106, am 502-503, psd 557, conc S am 846, enr 871 (Chapter 39)

- HB 757-FN**, relative to licenses for employment offices. (Hayes, Merrimack 21, to Executive Departments and Administration)  
**new title:** repealing the law relative to employment offices.  
 106, am 491, psd 557, conc S am 1068, enr 1147 (Chapter 296)

- HB 758-FN**, relative to the right to privacy act. (Martling, Strafford 4, to Judiciary)  
 106, Com 503, 1258

- HB 759-FN**, relative to setting tax rates in municipalities based on the gross income of the residents. (Jacobson, Merrimack 2, to Municipal and County Government)  
 106, rem 403, K 474

- HB 760-FN**, requiring state universities and colleges to sell condoms on campus. (DePecol, Cheshire 12, et al, to Education)  
 106, rem 403, K 473

- HB 761-FN**, transferring ownership of certain state land. (Gross, Merrimack 16, to Public Works)  
**new title:** relative to leasing certain state land.  
 106, am 232-233, psd 244, nonconc S am, conf 1052, 1066, 1097, rep adop 1167, enr 1181 (Chapter 341)

- HB 762-FN**, to incorporate the inhabitants of the northeasterly part of Laconia into a separate town to be known as Weirs Beach, with all the privileges and immunities of other towns in this state. (Rosen, Belknap 9, et al, to Municipal and County Government)  
 106, Com 650, 1258, S Ct opin req (HR 19) 650-651, opin printed 1238-1241

- HB 763-FN-A**, to fund state aid to education, to provide for property tax relief for cities and towns and individuals, to amend the state tax structure, and making an appropriation therefor. (D. Hall, Merrimack 7, et al, to Ways and Means)  
 106, Com (RC) 683-687, 1258

- HB 764-FN**, relative to taxation of special fuel and motor fuel. (Allard, Carroll 2, et al, to Public Works)  
 new title: relative to taxation of special fuel and motor fuel and imposing a floor tax on special fuel.  
 106, am & Ways and Means 297-298, K 731-732
- HB 765-FN**, requiring the state to pay the city of Concord for services rendered for fire and police coverage. (Dunn, Merrimack 21, et al, to Public Works)  
 107, K 233
- HB 766-FN**, requiring parental consent before certain procedures may be performed on minors. (T. Christie, Merrimack 9, to Judiciary)  
 107, K (RC) 382-385
- HB 767-FN**, relative to access to group health insurance policies. (Trombly, Merrimack 4, to Commerce, Small Business and Consumer Affairs)  
 new title: to study access to group health insurance policies.  
 107, am 484-486, psd 557, conc S am 955, enr 1043, appointments 1269 (Chapter 171)
- HB 768-FN**, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefits. (Skinner, Rockingham 21, et al, to Labor, Industrial and Rehabilitative Services)  
 107, psd 260, 331, S conc 1081, enr am 1174, enr 1179 (Chapter 311)
- HB 769-FN**, relative to licensing and the board of optometry. (B. Packard, Hillsborough 15, to Health, Human Services and Elderly Affairs)  
 107, K 259
- HB 770-FN-A**, establishing casino gambling and off-track betting in New Hampshire and making an appropriation therefor. (T. Christie, Merrimack 9, to Regulated Revenues)  
 107, K 263
- HB 771-FN**, relative to consecutive sentencing in county correctional facilities. (Record, Hillsborough 23, to Judiciary)  
 new title: relative to sentencing and parole.  
 2nd new title: relative to revocation of parole and reparole.  
 107, am 551-552, psd 558, nonconc S am, conf 1052, 1066, rep adop 1168, enr 1181 (Chapter 342)
- HB 772-FN**, exempting land at aeronautical facilities from taxation. (B. McCann, Hillsborough 31, to Municipal and County Government)  
 107, Com 607, 1258
- HB 773-FN**, requiring partner notification. (D. Wheeler, Hillsborough 10, et al, to Health, Human Services and Elderly Affairs)  
 107, K 259
- HB 774-FN**, relative to charter commission membership and procedure. (Emerton, Hillsborough 6, to Municipal and County Government)  
 107, K 445
- HB 775-FN**, relative to social security cost-of-living increases to certain recipients of assistance. (Arnesen, Grafton 7, et al, to Health, Human Services and Elderly Affairs)  
 107, Com 288-289, 1258
- HB 776-FN**, establishing a household hazardous waste management program and advisory committee and a consumer education program on household hazardous wastes. (A. Merrill, Strafford 4, et al, to Environment and Agriculture)  
 107, Com 424, 1258
- HB 777-FN**, relative to the New Hampshire Electrical Cooperative and establishing a committee to study the rate structure of New Hampshire electrical cooperative and certain wholesale electric customers. (Stamatakis, Sullivan 4, et al, to Science, Technology and Energy)  
 107, LT 616
- HB 778-FN**, relative to the laws against discrimination. (L. Johnson, Hillsborough 37, to State Institutions and Housing)  
 107, Com 377, 1258
- HB 779-FN**, granting the parents of school children who attend a school other than the public school assigned to the child, an education voucher issued by the state. (McRae, Hillsborough 6, et al, to Education)  
 107, SO 330, K 340



- HB 780-FN.** relative to the water treatment plant operator certification program. (Lewis, Merrimack 5, et al, to Resources, Recreation and Development)  
**new title:** relative to water treatment plant operators and fees for water system permits.  
**2nd new title:** relative to water treatment plant operators and fees for water system permits and continually appropriating a special fund to the division of water supply and pollution control.  
 107, am & Approp 268-269, am 779, psd 782, nonconc S am, conf 1052, 1066, rep adopt 1168, enr am 1212-1213, enr 1214 (Chapter 380)
- HB 781-FN.** relative to extending foster care and establishing a uniform cut-off date for school children. (Hutchinson, Rockingham 23, et al, to Children, Youth and Juvenile Justice)  
 107, Com 221, 1258
- HB 782-FN.** renaming the Piscataqua River bridge. (Chase, Rockingham 28, to Public Works)  
 108, K 450
- HB 783.** relative to prior DWI convictions. (L'Heureux, Hillsborough 13, et al, to Judiciary)  
 184, Com 503, 1258
- HB 784-FN.** creating a long-range construction program for New Hampshire's highways and highway bridges. (Marsh, Coos 1, to Public Works)  
 246, am 673, psd 674, nonconc S am, conf 1082, 1095, rep adopt 1168, enr am 1213, enr 1214 (Chapter 381)
- HB 785-FN-A.** relative to the state's purchase and renovation of land and buildings in the capitol area government center and making an appropriation therefor. (Gross, Merrimack 16, et al, to Public Works)  
 908, rules suspended 1028-1029, am (RC) & Approp 1031-1035, psd (2 RC) 1070-1077, 1079 (S LT)
- HB 786 - 799** Not introduced
- HB 800-FN-A.** relative to the general revenues of the state. (D. Sytek, Rockingham 20, to Ways and Means)  
 393, K (RC) 732-736

## HOUSE CONCURRENT RESOLUTIONS

- HCR 1.** concerning the constitution of the United States. (W. Riley, Cheshire 5, to State-Federal Relations)  
 50, K (RC) 207-212
- HCR 2.** urging Congress to propose a constitutional amendment requiring a balanced federal budget and prohibiting budget appropriation increases in the absence of a national emergency. (Rubin, Rockingham 19, to State-Federal Relations)  
**new title:** urging Congress to propose a constitutional amendment requiring a balanced federal budget.  
 50, am 271, adopt 331, S conc 911
- HCR 3.** supporting the building of a fire academy. (Benton, Rockingham 5, et al, to Public Protection and Veterans Affairs)  
 55, adopt 116, 126, S conc 846
- HCR 4.** supporting the U.S. troops in the Persian Gulf. (Burns, Coos 5, et al, no committee)  
 rules suspended. intro & adopt 72, S conc 110, letter from Major General Stones 333, letter from Commander L.W. Pollock 738
- HCR 5.** honoring the village of Hill on its fiftieth anniversary. (J. Chandler, Merrimack 1, et al, to Legislative Administration)  
 62, rules suspended & adopt 146
- HCR 6.** urging the New Hampshire department of transportation to establish and implement an "Adopt-a-Highway" program. (Emerton, Hillsborough 6, et al, to Public Works)  
 62, K 450
- HCR 7.** adopting a bill of rights for children. (Bean, Grafton 13, et al, to Children, Youth and Juvenile Justice)  
 62, am 275, adopt 331, S nonconc 875
- HCR 8.** urging Channel 8 (WMTW) of Auburn, Maine to provide New Hampshire news coverage and to allow New Hampshire ABC affiliate Channel 9 (WMUR) to broadcast from the Mt. Washington summit. (Guay, Coos 7, to State-Federal Relations)  
**new title:** urging Channel 8 (WMTW) of Auburn, Maine to provide coverage of New Hampshire news and events to allow another television channel to provide such coverage to broadcast from the Mt. Washington summit.  
 62, am 271-272, adopt 331, S conc 1146
- HCR 9.** relative to universal access to health care. (Arnesen, Grafton 7, et al, to State-Federal Relations)  
 62, adopt 469, 556, S nonconc 846
- HCR 10.** requesting Congress to propose an amendment to the United States Constitution prohibiting unfunded federal mandates. (Elliott, Hillsborough 2, to State-Federal Relations)  
 108, SO 330, adopt 356, 392, S conc 846

- HCR 11**, relative to abortion drug RU486. (Gilmore, Strafford 7, to Health, Human Services and Elderly Affairs)  
109, adop (RC) 545-549, 557, S conc 1045
- HCR 12**, concerning the use of automatic dialing devices for telephone solicitation purposes. (Rosen, Belknap 9, to Science, Technology and Energy)  
393, rules suspended & adop 673-674, S conc 911
- HCR 13**, calling for a delay in the implementation of the Internal Revenue Service advisory opinion on mileage reimbursements for members of the General Court. (Michael Hill, Merrimack 14, et al, no committee)  
intro & adop 633-634, 674, S conc 911
- HCR 14**, adopting joint rules relative to committees of conference. (Gross, Merrimack 16, no committee)  
intro, am & adop 1056-1058 (S LT)
- HCR 15**, requesting the department of revenue administration to change its interpretation of the legislative intent concerning the applicability of the business profits tax to the sale and rental of personal residences. (R. Hawkins, Belknap 5, et al, to Ways and Means)  
1182, suspension of rules rej 1225

### HOUSE BILLS OF INTENT

- HBI 1**, equalizing the economic impact of current use taxation. (E. Greene, Rockingham 18, to Environment and Agriculture)  
62, adop 424
- HBI 2**, the taxation of tax exempt property. (Middleton, Sullivan 6, et al, to Municipal and County Government)  
62, adop 465
- HBI 3**, purchases from beer distributors. (Dickinson, Carroll 2, to Regulated Revenues)  
109, K 461

### HOUSE JOINT RESOLUTIONS

- HJR 1**, concerning the settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine. (Pelley, Strafford 10, et al, to State-Federal Relations)  
46, ext 146, am 462, psd 556, S conc 911, enr 952 (Chapter 154)
- HJR 2**, providing that the Kona Wildlife Management Area shall be forever managed by the state of New Hampshire in a manner so as to protect its habitats. (A. Wiggin, Carroll 4, et al, to Resources, Recreation and Development)  
51, am 118, psd 126, S conc 618, enr 683 (Chapter 6)
- HJR 3**, requesting the university cooperative extension service to continue to work with the governor's commission on the 21st century. (S. Cole, Cheshire 10, et al, to Legislative Administration)  
109, psd 431, 555, S conc 846, enr 873 (Chapter 66)
- HJR 4**, relative to providing access to Flat Mountain Pond for members of the public. (W. Boucher, Rockingham 23, to State-Federal Relations)  
109, psd 462, 556, conc S am 1052, enr 1092 (Chapter 278)
- HJR 5**, urging Congress to place a moratorium on changes in the current medicaid regulations to insure that New Hampshire's medicaid enhancement tax is fully funded for fiscal years 1992 and 1993. (Chambers, Grafton 12)  
rules suspended, intro & psd (RC) 1249-1253 (K)

### HOUSE RESOLUTIONS

- HR 1**, to adopt the rules of the 1989 session. (Gross, Merrimack 16, et al)  
intro & adop 11
- HR 2**, appointing a committee of three to assign seats. (A. Torr, Strafford 6, et al)  
intro, adop & members appointed 11
- HR 3**, Chaplain committee. (Warburton, Rockingham 6, et al)  
intro, adop & members appointed 11, selection 64
- HR 4**, relative to taping of all sessions of the House. (Lozeau, Hillsborough 25, et al)  
intro & adop 11-12
- HR 5**, House clerk's staff. (Hager, Merrimack 21, et al)  
intro & adop 12
- HR 6**, the sergeant-at-arms staff. (Skinner, Rockingham 21, et al)  
intro & adop 12
- HR 7**, distribution of house journals, bills and joint resolutions. (Young, Cheshire 1, et al)  
intro & adop 12
- HR 8**, cancellation of session due to weather. (Simon, Rockingham 8, et al)  
intro & adop 12

- HR 9**, salary schedule and mileage to members. (Ward, Grafton 1, et al)  
intro & adop 13
- HR 10**, petition objecting to the seating of Lowell D. Apple, representative-elect of Hooksett, NH. (to Legislative Administration)  
13, petition denied 385
- HR 11**, petition contesting the seating of representative Cynthia A. McGovern of Portsmouth, NH. (to Legislative Administration)  
14-15
- HR 12**, petition contesting the seating of representative Gregory Janas of Manchester, NH. (to Legislative Administration)  
64-65, petition accepted 386
- HR 13**, urging school districts to include in their curricula a minimum of 16 hours per year in instruction on alcohol and drug abuse prevention. (Bickford, Strafford 10, et al, to Education)  
62, adop 251, 330
- HR 14**, urging bottlers within the state of New Hampshire to use ecology glass. (Millard, Merrimack 4, to Environment and Agriculture)  
62, am 534, adop 557
- HR 15**, urging the United States Congress to allow Regional Bell Operating Companies to promote the use of electronic telephone directories. (Millard, Merrimack 4, to State-Federal Relations)  
new title: urging the United States Congress to encourage and promote the expansion of electronic telephone directories and the provision of information services.  
62, com changed 111, SO 616, am 621-622
- HR 16**, amending House rules for the 1991 session.  
intro & adop 82-85
- HR 17**, calling for a special run-off election for representative to the general court between Norma Champagne and Gregory Janas. (Gross, Merrimack 16, et al, to Legislative Administration)  
intro & adop 386
- HR 18**, acknowledging vocational education week.  
intro & adop 128-129
- HR 19**, requesting an opinion of the justices concerning the constitutionality of HB 762-FN.  
intro & adop 650-651, S Ct opin printed 1238-1241
- HR 20**, honoring State Law Librarian Constance T. Rinden on her retirement.  
intro & adop 620-621
- HR 21**, Affirming revenue estimates for fiscal years 1992 and 1993. (D. Sytek, Rockingham 20, to Ways and Means)  
707, am & LT 779-781, am 1037-1038, LT 1040
- HR 22**, honoring Lillian Burns on her ninety-first birthday.  
intro & adop 844-845
- HR 23**, amending House rules as prescribed by House Resolution No. 1  
intro & adop 1078-1079
- HR 24**, honoring Laurel Thatcher Ulrich.  
intro & adop 1087
- HR 25**, memorializing State Representative Lester R. Perham of Milford.  
intro & adop 1098-1099
- HR 26**, observing the city of Concord's role and history as capital of New Hampshire.  
intro & adop 1168-1169
- HR 27**, saluting the University of New Hampshire Space Science Center.  
intro & adop 1169-1170
- HR 28**, saluting the women and men of Graphic Services.  
intro & adop 1216-1217
- HR 29**, the members of the New Hampshire House declare that service in the New Hampshire House is a privilege and a duty of the citizens of the State, and not a job or mode of employment, and that except for the purposes of the Internal Revenue Service mileage reimbursements made to legislators are not wages or payments for employment. (Burling, Sullivan 1)  
intro & adop 1233

## SENATE BILLS

- SB 1**, relative to the senate committee which is to study redistricting state senate districts. (to Constitutional and Statutory Revision)  
705, psd 877, 903, enr 904 (Chapter 101)
- SB 2**, relative to the senate committee which is to study redistricting congressional districts. (to Constitutional and Statutory Revision)  
705, psd 877, 903, enr 904 (Chapter 102)
- SB 3-A**, relative to exit 10 on the Spaulding turnpike and making an appropriation therefor. (to Public Works)  
705, Approp 891, psd 964, 1004, enr am 1061, enr 1091 (Chapter 255)

- SB 4-FN-A.** establishing a committee to study the New Hampshire state port authority. (to Public Works)  
**new title:** establishing a committee to study the New Hampshire State port authority and relative to international trade.  
 700, am 882-883, psd 903, S conc 912, enr 952, appointments 1269 (Chapter 145)
- SB 5-FN.** relative to Skyhaven airport. (to Executive Departments and Administration)  
 700, psd 959-960, 1004, enr 1060, appointments 1275 (Chapter 256)
- SB 7-FN-A.** relative to an industrial research center at the university of New Hampshire and making an appropriation therefor. (to Education)  
 705, am & Approp 884-886, am 965, psd 1004, S conc 1022, enr 1060, appointments 1274 (Chapter 211)
- SB 9-FN.** relative to a study of interactions between the mental health and criminal justice systems. (to Judiciary)  
 700, am 918-919, psd 951, S conc 1045, enr 1059, appointments 1269 (Chapter 212)
- SB 10-FN.** establishing a study committee on bonuses for veterans who served during the Persian Gulf crisis. (to Public Protection and Veterans Affairs)  
 908, rules suspended & am 1028-1029, psd 1041, S conc 1063, enr 1080, appointments 1270 (Chapter 257)
- SB 11-A.** appropriating funds for a new courthouse in Rockingham county. (to Public Works)  
 700, Approp 891, psd 965, 1004, enr 1059 (Chapter 258)
- SB 13.** relative to transferring funds between and among line items in the postsecondary technical education department. (to Appropriations)  
 706, psd 876, 902, enr 905 (Chapter 118)
- SB 14-A.** relative to environmental and engineering studies and acquisition of rights-of-way for the construction of a truck lane on United States Route 2 in Jefferson, New Hampshire, and making an appropriation therefor. (to Public Works)  
 700, Approp 891, psd 965-966, 1004, enr 1060 (Chapter 259)
- SB 15.** relative to special identification of legislation that amends existing revenue statutes which send all or part of certain revenues to subdivisions of the state. (to Legislative Administration)  
**new title:** relative to special identification of legislation that may have an impact on local expenditures or requires the state to forward all or part of any designated revenues to cities or towns and relative to mileage payments to members of the legislative ethics committee.  
 183, ext 738, am 866-867, psd 871, S conc 875, enr 904 (Chapter 103)
- SB 16-FN.** relative to the board of dental examiners. (to Executive Departments and administration)  
 700, Com 960, 1258
- SB 18-FN-A.** relative to the conservation corps program and making an appropriation therefor. (to Appropriations)  
 706, Com 966, 1258
- SB 19-FN.** establishing penalties and fines for use of blue lights by any person other than a certified police officer. (to Public Protection and Veterans Affairs)  
**new title:** establishing penalties and fines for use of blue lights by any person other than a law enforcement officer.  
 700, am 889-891, psd 903, S conc 1022, enr 1043 (Chapter 172)
- SB 20-FN.** establishing a committee to study the licensure of dietitians and nutritionists. (to Executive Departments and Administration)  
 701, K 977
- SB 21.** establishing a commission to study and recommend the elimination of state-mandated programs. (to Legislative Administration)  
 701, Com 888, 1258
- SB 22.** relative to changes in reimbursement requirements for psychologists. (to Commerce, Small Business and Consumer Affairs)  
**new title:** relative to changes in requirements for psychologists.  
 701, am 957-958, psd 1004, S nonconc, conf 1045-1046, 1097, rep adop 1147, enr 1181 (Chapter 343)
- SB 24.** relative to revising the administrative procedure act. (to Executive Departments and Administration)  
 701, psd 881, 903, enr 905, appointments 1275 (Chapter 119)
- SB 25-FN.** relative to obtaining out-of-state driving records. (to Transportation)  
 701, psd 884, 903, enr 905 (Chapter 104)
- SB 26-FN.** relative to licenses to carry firearms. (to Public Protection and Veterans Affairs)  
 701, K 866
- SB 27-FN.** relative to extended terms of imprisonment for assault crimes where the victim is a law enforcement officer. (to Judiciary)  
 701, Com 1020, 1258
- SB 28-FN.** relative to promoting New Hampshire businesses and products internationally. (to Commerce, Small Business and Consumer Affairs)  
**new title:** relative to promoting New Hampshire businesses and products internationally and



continually appropriating a fund for international trade promotion.

706, Approp 847, psd 956, 1004, enr am 1043-1044, enr 1091, appointments 1272-1273 (Chapter 260)

**SB 29-FN-A**, establishing a legislative ethics committee. (to Legislative Administration)

183, psd 841, 842, enr am 873, enr 904, appointments 1273 (Chapter 105)

**SB 32-FN**, permitting district and municipal courts to accept payment of fines by credit card. (to Appropriations)

706, com changed 847, rem 914, am 948-949, psd 951, S conc 1045, enr 1043 (Chapter 201)

**SB 33-FN**, relative to establishing a nonlapsing account for the New Hampshire technical institute and vocational technical colleges and creating the position of director of financial management. (to Executive Departments and Administration)

706, psd 917, 951, enr 1043 (Chapter 173)

**SB 37**, relative to amending provisions of the voluntary corporation statute. (to Commerce, Small Business and Consumer Affairs)

701, am 958-959, psd 1004, S conc 1045, enr 1091 (Chapter 261)

**SB 38-FN-A**, exempting interest earned by investors in certain mutual funds from the interest and dividend tax. (to Ways and Means)

**new title:** exempting dividends earned by investors in certain mutual funds from the interest and dividend tax.

701, rules suspended & am 1096, psd 1097, S conc 1146, enr 1168 (Chapter 297)

**SB 39-FN**, relative to reopening liquor stores. (to Regulated Revenues)

706, K 866

**SB 40**, making the pink lady's slipper the state wildflower. (to Environment and Agriculture)

701, psd 865, 871, enr 903 (Chapter 106)

**SB 41-A**, relative to the construction of a fire training academy for New Hampshire fire fighters and making an appropriation therefor, and relative to motor vehicle records fees. (to Public Works)

701, Approp (RC) 891-895, psd (RC) 966-969, 1004, enr 1059 (Chapter 262)

**SB 42-FN**, relative to the board of podiatry. (to Executive Departments and Administration)

**new title:** relative to the board of podiatry, the board of registration in medicine, emergency medical technicians, and the possession of non-controlled prescription drugs for emergency use. 847, am 1024-1027, psd 1041, S nonconc, conf 1064, rep adop 1147, enr am 1213, enr 1214 (Chapter 382)

**SB 43-FN**, establishing a committee to study utilization and management review and managed care. (to Commerce, Small Business and Consumer Affairs)

701, am 915, psd 951, S conc 1045, enr 1043, appointments 1270 (Chapter 174)

**SB 45-FN**, relative to bail jumping.

S study 1259

**SB 47**, relative to emergency response personnel. (to Health, Human Services and Elderly Affairs)

701, am 918, psd 951, S conc 1022, enr 1043 (Chapter 175)

**SB 49**, relative to alternate zoning board of adjustment members. (to Municipal and County Government)

701, psd 944-945, 951, enr 1021 (Chapter 176)

**SB 52**, changing the name of the Federal Home Loan Bank Board to the Office of Thrift Supervision. (to Commerce, Small Business and Consumer Affairs)

701, psd 847, 870, enr 903 (Chapter 107)

**SB 55-A**, relative to replacing the Warren Bridge on New Hampshire Route 25. (to Public Works)

**new title:** relative to replacing the Warren Bridge on New Hampshire Route 25 and extending the deadline for completion of a study.

701, Approp 883, am 1023, psd 1041, S conc 1063, enr am 1061, enr 1091 (Chapter 263)

**SB 57-FN**, relative to the review of New Hampshire corporate laws. (to Commerce, Small Business and Consumer Affairs)

701, am 915, psd 951, S conc 1022, enr am 1061-1062, enr 1091, appointments 1270 (Chapter 264)

**SB 59-FN**, relative to a state-sponsored credit card program. (to Commerce, Small Business and Consumer Affairs)

701, K 959

**SB 60-A**, creating a task force to study the Laconia - I-93 connector highway. (to Public Works)

810, Com 961, 1258

**SB 61-FN**, relative to speedy payments for the care of children in foster homes. (to Appropriations)

701, am 969-970, psd 1004, S conc 1022, enr 1060 (Chapter 265)

**SB 62-FN**, relative to licensure of athletic trainers. (to Executive Departments and Administration)

706, Com 917, 1258

**SB 64-A**, relative to the superior courthouse in Nashua and making an appropriation therefor. (to Appropriations)

701, com changed 739, Approp 895, psd 970, 1004, enr 1043 (Chapter 177)

- SB 65-FN-A**, relative to Lake Massasecum and the Warner River in the town of Bradford and making an appropriation therefor.  
S study 1259
- SB 66**, relative to durable power of attorney for health care. (to Judiciary)  
706, psd 887, 903, enr 952 (Chapter 146)
- SB 67-FN**, relative to establishing a study committee to study the feasibility of revising the school building aid formula. (to Education)  
701, rem 956, SO 1002, psd 1013, 1041, enr 1060, appointments 1270 (Chapter 266)
- SB 68-FN**, relative to the transportation of animals in open trucks. (to Transportation)  
701, K 895-896
- SB 69-FN**, relative to certification of professional counselors. (to Executive Departments and Administration)  
706, K (RC) 925-929
- SB 70-FN**, relative to superior court clerks for Hillsborough county. (to Judiciary)  
706, psd 882, 903, enr 905 (Chapter 147)
- SB 71-FN-A**, relative to superior court justices. (to Judiciary)  
706, Approp 882, psd 970, 1004, enr 1043 (Chapter 202)
- SB 72-FN-A**, establishing and continually appropriating a fund for the purchase of vaccines. (to Appropriations)  
706, com changed 739, Approp 882, psd 970, 1004, enr 1168 (Chapter 280)
- SB 74-FN**, establishing a committee to study the use of funds appropriated for catastrophic illness care. (to Labor, Industrial and Rehabilitative Services)  
701, psd 985, 1005, enr 1043, appointments 1270 (Chapter 178)
- SB 75**, relative to bargaining rights for state employees. (to Executive Departments and Administration)  
701, K (RC) 977-981
- SB 76**, relative to the age requirement for retirement communities. (to State Institutions and Housing)  
701, Com 1001, 1258
- SB 78-FN**, relative to loans to municipalities from state revolving loan funds. (to Public Works)  
**new title:** relative to loans to municipalities from state revolving loan funds and relative to the state guarantee for the elimination of pollution from public waters.  
702, am 920-921, psd 951, S conc 1045, enr 1043 (Chapter 179)
- SB 79-FN**, establishing a committee to study an expedited permit process for environmental permits. (to Resources, Recreation and Development)  
702, psd 963, 1004, enr 1043, appointments 1270-1271 (Chapter 180)
- SB 81**, relative to damages for wrongful death. (to Judiciary)  
702, Com 887, 1258
- SB 82**, relative to powers of directors, officers, and trustees of health service corporations. (to Commerce, Small Business and Consumer Affairs)  
702, com changed 782, psd 882, 903, enr 905 (Chapter 120)
- SB 83**, relative to the investment of public funds. (to Commerce, Small Business and Consumer Affairs)  
702, rem 956, SO 1002, am 1011-1013, psd 1041, S conc 1063, enr am 1184-1190, enr 1214 (Chapter 383)
- SB 85-FN**, relative to women's sports. (to Education)  
702, am 976, psd 1005, S conc 1045, enr 1061, appointments 1271 (Chapter 267)
- SB 86-FN**, to create low salt districts within the state highway system. (to Resources, Recreation and Development)  
702, K 990-991
- SB 87-FN**, relative to replacement employees. (to Labor, Industrial and Rehabilitative Services)  
702, psd 985, 1005, enr 1043 (Chapter 181)
- SB 89**, relative to school district planning committees. (to Education)  
702, psd 917, 951, enr 952 (Chapter 148)
- SB 90-FN**, relative to the Salmon Falls Road in the cities of Somersworth and Rochester. (to Public Works)  
706, psd 961, 1004, enr 1043 (Chapter 182)
- SB 91**, relative to the disclosure of discoverable materials in product liability actions. (to Judiciary)  
702, K 887
- SB 96**, relative to adoption. (to Children, Youth and Juvenile Justice)  
702, psd 915, 951 enr 1021 (Chapter 183)
- SB 97**, relative to administrative rules and state mandates. (to Executive Departments and Administration)  
702, am 981, psd 1005, S nonconc, conf 1046, rep LT 1147, rep adop 1175-1176, enr 1214 (Chapter 384)
- SB 100-FN**, relative to simulcast wagering. (to Regulated Revenues)  
702, am 867-870, psd 871, S nonconc, conf 876, rep adop 908-910, enr 952 (Chapter 68)

- SB 101-FN, establishing a study committee relative to the industrial development authority. (to Commerce, Small Business and Consumer Affairs)  
702, psd 915-916, 951, enr 1005, appointments 1271 (Chapter 149)
- SB 102-FN, authorizing the bank commissioner to establish and administer a public deposit investment pool. (to Commerce, Small Business and Consumer Affairs)  
702, psd 959, 1004, enr am 1062, enr 1091 (Chapter 268)
- SB 106-FN, relative to anatomical gifts. (to Transportation)  
702, psd 884, 903, enr 905 (Chapter 108)
- SB 107, relative to tenants' security deposit. (to State Institutions and Housing)  
702, Com 963, 1258
- SB 109-FN, relative to the time for holding the 1991 Newmarket town meeting. (to Municipal and County Government)  
702, psd 882, 903, enr 905 (Chapter 121)
- SB 110-FN, relative to protection of first amendment rights of students. (to Judiciary)  
702, K 1027
- SB 112-FN, relative to license plates for firefighters. (to Transportation)  
702, K 884
- SB 114-FN, requiring a report on certain water laws. (to Resources, Recreation and Development)  
702, psd 963, 1004, enr 1043 (Chapter 184)
- SB 115-FN, relative to livestock. (to Municipal and County Government)  
new title: relative to injuries done by dogs.  
702, am 960-961, psd 1004, S conc 1045, enr 1061 (Chapter 213)
- SB 117-FN-A, relative to expenditures by the public works bureau, extending certain lapse dates, making adjustments to certain bond authorizations, making certain appropriations, relative to the port authority, and making an appropriation therefor. (to Public Works)  
706, K 895
- SB 118-FN, relative to the department of revenue administration. (to Municipal and County Government)  
702, am 919-920, psd 951, S conc 1022, enr 1060 (Chapter 269)
- SB 119-FN, relative to the business profits tax, the real estate transfer tax, and the communications services tax. (to Ways and Means)  
183, K 1068
- SB 120-FN-A, establishing a sunset committee and restoring the sunset review process and making an appropriation therefor. (to Executive Departments and Administration)  
706, Com 918, 1259
- SB 122-FN, exempting certain solid waste districts from application fees. (to Environment and Agriculture)  
702, Approp 865, psd 970, 1004, enr 1043 (Chapter 185)
- SB 123-FN, relative to the wine industry of New Hampshire. (to Regulated Revenues)  
706, psd 883, 903, enr 904 (Chapter 109)
- SB 125-FN, relative to child abuse and neglect proceedings. (to Children, Youth and Juvenile Justice)  
702, am 956, psd 1004, S conc 1022, enr 1060 (Chapter 214)
- SB 126-FN, relative to groundwater classification. (to Resources, Recreation and Development)  
706, am 991-1001, psd 1005, S conc 1063, enr am 1170-1171, enr 1181 (Chapter 344)
- SB 127-FN, relative to removing vegetation obstructing advertising devices and planting lilac bushes. (to Environment and Agriculture)  
706, K 865
- SB 128-FN-A, relative to the development of an electronic benefit transfer system and making an appropriation therefor. (to Human Services and Elderly Affairs)  
706, Approp 865, psd 971, 1004, enr 1043 (Chapter 186)
- SB 129-FN, establishing a study committee on sale and distribution of cigarettes. (to Ways and Means)  
702, K 1077
- SB 131-FN, relative to choice in education.  
S study 1260
- SB 132-FN, establishing a committee to study an early warning system for monitoring licensed nuclear power plants. (to Science, Technology and Energy)  
702, K (RC) 945-948
- SB 133, relative to resellers of telecommunication services.  
S study 1260
- SB 134-FN, relative to a public recreation revolving fund. (to Municipal and County Government)  
702, K 920
- SB 135-FN, relative to recovering costs, fees, and expenses in certain takeovers of utilities. (to Science, Technology and Energy)  
702, psd 924, 951, enr 952 (Chapter 150)

- SB 138-FN**, establishing a committee to study the bidding process on state construction projects. (to Public Works)  
703, rem 956, SO 1002, K (RC) 1013-1016
- SB 139-FN**, relative to preventing damage to underground utility installations. (to Science, Technology and Energy)  
703, psd 924, 951, enr 1005 (Chapter 151)
- SB 140-FN**, establishing a committee to study rate setting for certain services, placements, and programs. (to Children, Youth and Juvenile Justice)  
703, am 956-957, psd 1004, S conc 1022, enr 1060, S sustained veto 1217
- SB 141-FN**, to extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988.  
S study 1260
- SB 142-FN**, relative to temporary utility rate increases.  
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- SB 143**, extending time limits for condominium projects. (to Commerce, Small Business and Consumer Affairs)  
129, am 847-850, psd 871, S conc 875, enr 904 (Chapter 110)
- SB 144-FN-A**, relative to the Women's War Memorial and making an appropriation therefor. (to Public Protection and Veterans Affairs)  
706, psd 866, 871, enr am 914, enr 952 (Chapter 152)
- SB 146**, relative to equipment and instruction programs and revolving funds for regional vocational centers. (to Education)  
703, psd 917, 951, enr 1021 (Chapter 187)
- SB 148-FN**, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.  
S study 1260
- SB 149-FN-A**, relative to reimbursing a certain school cooperative for certain expenses and making an appropriation therefor. (to Education)  
**new title:** relative to reimbursing certain school cooperatives for certain expenses and making an appropriation therefor.  
703, am and Approp 886, psd 971, 1004, S conc 1022, enr 1043 (Chapter 188)
- SB 150**, relative to partnerships and relative to foreclosures. (to Commerce, Small Business and Consumer Affairs)  
703, am 916-917, psd 951, S conc 1022, enr 1043 (Chapter 203)
- SB 151-FN**, to protect municipalities against liability in the construction and maintenance of highways, streets and sidewalks. (to Municipal and County Government)  
rules suspended and intro 1146, psd 1182-1183, 1203, enr 1214 (Chapter 385)
- SB 152**, relative to a joint New Hampshire-Quebec trade council. (to State-Federal Relations)  
703, am 883-884, psd 903, S conc 912, enr am 914, enr 952, appointments 1272 (Chapter 153))
- SB 153**, relative to licensing of pharmacists. (to Executive Departments and Administration)  
703, K 981-982
- SB 154-FN**, relative to the jurisdiction of state police employees. (to Judiciary)  
703, Com 919, 1259
- SB 155**, relative to mechanics' liens. (to Commerce, Small Business and Consumer Affairs)  
703, psd 959, 1004, enr 1060 (Chapter 270)
- SB 156-FN-A**, establishing a committee to study the SAU structure within the state of New Hampshire and making an appropriation therefor. (to Education)  
706, rem 876, Com (RC) 899-902, 1259
- SB 157-FN**, relative to bingo. (to Regulated Revenues)  
703, rem 956, Approp 1002, rules suspended (hearing) 1005, rules suspended and psd 1028-1029, 1041, enr 1061 (Chapter 271)
- SB 158**, relative to advanced registered nurse practitioners. (to Executive Departments and Administration)  
703, rules suspended (report after deadline) 951, am 1053-1055, psd 1056, S conc 1063, enr 1091 (Chapter 272)
- SB 159-FN**, relative to posting of public documents in licensed health facilities and health care facilities. (to Health and Human Services and Elderly Affairs)  
703, com 918, 1259
- SB 160**, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. (to Commerce, Small Business and Consumer Affairs)  
703, K 959
- SB 161**, relative to meetings of community associations. (to State Institutions and Housing)  
703, K 866
- SB 162-A**, relative to rebuilding, modernizing, and maintaining rail properties and making an appropriation for the Conway branch line. (to Public Works)  
706, Com 883, 1259



- SB 164, relative to maintaining the current subsidized multi-family rental housing stock in New Hampshire.  
S study 1260
- SB 165-FN, relative to permit fees for excavating and dredging permits. (to Public Works)  
706, am 961, psd 1004, S conc 1022, enr 1060 (Chapter 273)
- SB 167-FN, establishing a committee to study the sequencing of the central turnpike projects. (to Public Works)  
703, K 962
- SB 168-FN, establishing a committee to study the toll highway system. (to Public Works)  
847, K 962
- SB 169, prohibiting steel leg traps. (to Fish and Game)  
703, K (RC) 941-944
- SB 170-FN-A, to study the revenue structure in New Hampshire and making an appropriation therefor. (to Ways and Means)  
706, am & Approp 897-899, am 1023-1024, psd 1041, S conc 1063, enr 1061, appointments 1271 (Chapter 279)
- SB 171-FN, relative to discrimination in the workplace. (to Labor, Industrial and Rehabilitative Services)  
703, psd (RC) 986-990, 1005, enr 1059 (Chapter 274)
- SB 172-FN-A, establishing a committee to study the board and care rates for residents of enhanced family care facilities. (to Appropriations)  
703, com changed 739, Com 865-866, 1259
- SB 173-FN-A, relative to senior "meals on wheels" and senior transportation and making an appropriation therefor. (to Appropriations)  
706, psd (RC) 971-975, 1004, enr 1043 (S sustained veto)
- SB 174-FN, relative to possessing and dispensing prescription drugs by nonprofit family planning agencies. (to Executive Departments and Administration)  
707, psd (RC) 929-933, 951, enr 1021 (Chapter 189)
- SB 176-FN, relative to ophthalmic dispensing. (to Health, Human Services and Elderly Affairs)  
707, com changed 784, K (RC) 982-985
- SB 178, transferring certain account balances to the joint legislative account. (to Appropriations)  
703, psd 877, 902, enr 905 (Chapter 122)
- SB 180-FN, relative to the hearings process on tax abatements for property taxes and making a supplemental appropriation for the board of tax and land appeals. (to Municipal and County Government)  
new title: relative to the hearings process on tax abatements for property taxes.  
703, am & Approp 888-889, am 975, psd 1004, S nonconc, conf 1046, rep adop 1147-1148, enr am 1190-1191, enr 1214 (Chapter 386)
- SB 181-FN, relative to the number of winner take all bingo games allowed on one game date. (to Regulated Revenues)  
new title: relative to the number of winner take all bingo games allowed on one game date and establishing a committee to study certain gambling events.  
703, rem 914, am & Ways and Means 949-950, am 1069, psd 1079, S nonconc, conf 1082-1083, rep adop 1148-1149, enr 1181, appointments 1271-1272 (Chapter 345)
- SB 182-FN, relative to the division of information services. (to Science, Technology and Energy)  
703, com changed 784, rules suspended (report after deadline) 951, am & psd 1055-1056, S nonconc, conf 1083, rules suspended & rep adopted 1149-1156, enr 1181, appointments 1271 (Chapter 346)
- SB 183-FN, relative to the Lamprey Regional Solid Waste Cooperative. (to Environment and Agriculture)  
703, SO 977, 1011, am 1027-1028, psd 1041, S nonconc, conf 1083, 1096, rep adop (K) 1156
- SB 184-FN, relative to voter registration. (to Constitutional and Statutory Revision)  
703, Com 925, 1259
- SB 185-FN, relative to liquor licenses for caterers and allowing caterers to subcontract the cooking, preparing and serving of food. (to Regulated Revenues)  
new title: allowing caterers to subcontract the cooking, preparing, and serving of food.  
704, am 922, psd 951, S conc 1022, enr 1059 (Chapter 275)
- SB 186-FN, establishing a committee to study household hazardous waste. (to Environment and Agriculture)  
704, Com 977, 1259
- SB 189-FN, allowing raffles to be conducted at the same place as a bingo games. (to Regulated Revenues)  
new title: allowing raffles to be conducted at the same place as bingo games and increasing raffle prize award wholesale costs.  
704, am 962-963, psd 1004, S conc 1022, enr 1060 (Chapter 276)

- SB 190-FN**, establishing a committee to study insurance coverage for infertility. (to Commerce, Small Business and Consumer Affairs)  
704, K 925
- SB 191-FN**, relative to fines and to loss of driver's license and plates for court defaults. (to Transportation)  
**new title:** relative to fines and to loss of driver's license and plates for court defaults and increasing drivers' license fees.  
704, am & Approp 963-964, rules suspended (hearing) 1005, rules suspended & am 1028-1031, psd 1041, S conc 1063, enr am 1171, enr 1181 (Chapter 347)
- SB 192-FN-A**, relative to the office of chief medical examiner. (to Executive Departments and Administration)  
707, Approp 881, Com 1024, 1259
- SB 193-FN**, relative to limits on motorboat speeds. (to Transportation)  
707, Com 1001-1002, 1259
- SB 194**, relative to disclosure statements for lobbyists.  
S study 1260
- SB 195-FN**, relative to campaign expenditure limitations. (to Constitutional and Statutory Revision)  
704, am 877-881, psd 903, S nonconc, conf 914, rep adop 1156-1164, enr am 1191-1192, enr 1215, appointments 1275 (Chapter 387)
- SB 196-FN**, relative to administrative revocation of motor vehicle licenses of persons under age 21. (to Transportation)  
704, rem 956, Com 1002-1003, 1259
- SB 202-FN**, relative to due process in the liquor commission's proceedings. (to Regulated Revenues)  
704, psd 990, 1005, enr 1043 (Chapter 204)
- SB 204-FN**, waiving tuition for state troopers enrolled in any state school.  
S study 1260
- SB 205-FN**, establishing a committee to study the enforcement of RSA 205-A. (to State Institutions)  
704, Com 948, 1259
- SB 206-FN**, relative to liquor licenses for caterers. (to Regulated Revenues)  
704, am 922-924, psd 951, S conc 1022, enr am 1192, enr 1215 (Chapter 388)
- SB 208-FN**, relative to the administration of the tax on legacies and successions and other tax laws relating to decedents. (to Ways and Means)  
704, rules suspended 1028-1029, am 1035-1037, remarks 1038-1040, psd 1041, recon notice, 1041, 1068, S nonconc, conf 1083, rep adop 1164, enr 1181 (Chapter 348)
- SB 209-FN**, relative to issuance of a notice or citation by the probate court to a court-appointed fiduciary for failure to file an inventory or an account of administration and to requirements for notice to beneficiaries. (to Judiciary)  
704, psd 919, 951, enr 1021 (Chapter 190)
- SB 210-FN-A**, relative to drugged driving and making an appropriation therefor. (to Judiciary)  
707, am & Approp 887-888, am 975, psd 1005, S nonconc, conf 1046, 1052 (K)
- SB 212-FN-A**, establishing a committee to study the method of sweepstakes revenue distribution. (to Education)  
704, K 881
- SB 213-FN-A**, relative to the distribution of meals and rooms tax revenue. (to Ways and Means)  
847, Com 1077-1078, 1259
- SB 214-FN**, exempting specialized programs or equipment of the Christa McAuliffe planetarium from the state's competitive bidding process. (to Appropriations)  
704, com changed 739, psd 918, 951 enr am 1006-1007, enr 1059 (Chapter 277)
- SB 217-FN**, to permit designation of enterprise zones by the director of economic development, department of resources and economic development.  
S study 1260
- SB 220-FN**, relative to foster care. (to Children, Youth and Juvenile Justice)  
707, Com 976, 1259
- SB 222-FN**, relative to a study of alternative transportation. (to Transportation)  
704, am 896-897, psd 903, S conc 912, enr am 954, enr 1043, appointments 1272 (Chapter 191)
- SB 223-FN**, relative to prohibiting the study committee established under 1989, 281:1 from considering whether to move or relocate the Dover toll plaza. (to Public Works)  
704, rem 956, SO 1002, am (RC) 1016-1020, psd 1041, nonconc S conf req 1064
- SB 224-FN**, relative to increasing the bonding authority for industrial development projects for the city of Dover. (to Public Works)  
707, psd 962, 1004, enr 1043 (Chapter 205)
- SB 225-FN**, relative to the higher educational building corporation and loan eligibility. (to Education)  
704, am 977, psd 1005, S conc 1045, enr 1147 (Chapter 298)

- SB 226-FN**, establishing the town of Plaistow as a one-town solid waste district under RSA 149-M, S study 1260
- SB 228-FN-A**, relative to the treatment of New Hampshire trusts and the open bank assistance program under the New Hampshire business profits tax. (to Commerce, Small Business and Consumer Affairs)  
**new title:** relative to the treatment of New Hampshire investment trusts and the open bank assistance program under the New Hampshire business profits tax.  
 704, am 850-865, psd 871, S conc 875, enr 905 (Chapter 67)
- SB 229**, relative to a Martin Luther King Human Rights Day. (to Executive Departments and Administration)  
**new title:** establishing Civil Rights Day and abolishing Fast Day.  
 704, am (2 RC) 933-941, psd 951, S conc 1045, enr 1043 (Chapter 206)

### SENATE CONCURRENT RESOLUTIONS

- SCR 1**, relative to L-Tryptophan. (to Health, Human Services and Elderly Affairs)  
 704, Adop 886-887, 903
- SCR 2**, urging the Federal Energy Regulatory Commission to deny a rate increase for Public Service Company of New Hampshire. (to Science, Technology and Energy)  
 704, Com 1001, 1259
- SCR 3**, urging the New Hampshire supreme court to give preferred status to appeals of adoptions. (to Children, Youth and Juvenile Justice)  
 704, K 915

### CONSTITUTIONAL AMENDMENTS CONCURRENT RESOLUTIONS

- CACR 1**, relating to initiative petitions. Providing that referenda to amend the constitution and to enact laws may be initiated by petitions. (T. Christie, Merrimack 9, to Constitutional and Statutory Revision)  
 43, rem 65, K 79
- CACR 2**, relating to biennial legislative sessions. Providing that the general court shall meet biennially. (J. Flanders, Rockingham 10, et al, to Constitutional and Statutory Revision)  
 43, SO 170, Com 186, 1259
- CACR 3**, relating to the number of terms served by state legislators. Providing that no person shall serve more than 10 years as a state senator or representative. (Maviglio, Belknap 1, et al, to Constitutional and Statutory Revision)  
 51, K 276
- CACR 4**, relating to voter initiative and referendum. Providing that statutes and constitutional amendments may be proposed, approved or rejected by citizen petition to the secretary of state. (Rubin, Rockingham 19, et al, to Constitutional and Statutory Revision)  
 55, SO 170, K 186
- CACR 5**, relating to right to counsel. Providing that the state shall not be required to provide legal representation for indigent persons charged with a second or subsequent DWI or drug offense. (J. Flanders, Rockingham 10, to Constitutional and Statutory Revision)  
 108, K 276
- CACR 6**, relating to taxation of business income and revenue. Providing that taxes of any type may be imposed on the income or revenue of businesses. (Kurk, Hillsborough 3, to Ways and Means)  
 108, Com 688, 1259
- CACR 7**, relating to the incompatibility of holding a state office and being called up for temporary military active duty. Providing that members of military reserves and national guard units occasionally called upon in an emergency shall be allowed to hold state offices. (Welch, Rockingham 10, et al, to Constitutional and Statutory Revision)  
 108, adop 276-277, 330, S conc 1045, enr 1060
- CACR 8**, relating to conscientious objection to the method and content of education. Providing that no person shall be compelled to send any child for whom such person is legally responsible to any school to which such person may be conscientiously opposed. (Ouellette, Hillsborough 48, et al, to Constitutional and Statutory Revision)  
 108, K 277, recon notice 331, recon & K (2 RC) 333-340
- CACR 9**, relating to revenue raised through a personal income tax. Providing that each year at least 75 percent of all general fund revenues resulting from any personal income tax be returned to the cities, towns, school districts, counties, and property taxpayers to assist in property tax relief. (Arnesen, Grafton 7, et al, to Constitutional and Statutory Revision)  
 108, com changed 145, Com 688, 1259
- CACR 10**, relating to making the position of attorney general an elected position. Providing that the attorney general be elected for a term coterminous with that of the governor; and vacancies in the office of attorney general be filled by an interim successor appointed by the governor and council. (Burling, Sullivan 1, et al, to Constitutional and Statutory Revision)  
 108, K 394-395

**CACR 11**, relating to jury trials in civil cases. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of a number of persons to be determined by the legislature. (Murphy, Hillsborough 40, et al, to Judiciary)

**new title**: relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. 108, am & adop 552-554, S conc 875, enr 905

**CACR 12**, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court. (S. Cole, Cheshire 10, et al, to Constitutional and Statutory Revision) 108, adop 477, 554, S conc 1045, enr 1060

**CACR 13**, relating to taxes on business profits. Providing that the general court may levy taxes on profits or distributions paid to the owners by the business. (Chambers, Grafton 12, et al, to Ways and Means)

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| 302     | HB 327 | 352     | HB 41  |
| 303     | HB 443 | 353     | HB 40  |
| 304     | HB 579 | 354     | HB 64  |
| 305     | HB 608 | 355     | HB 65  |
| 306     | HB 652 | 356     | HB 104 |
| 307     | HB 688 | 357     | HB 142 |
| 308     | HB 691 | 358     | HB 161 |
| 309     | HB 700 | 359     | HB 171 |
| 310     | HB 742 | 360     | HB 210 |
| 311     | HB 768 | 361     | HB 250 |
| 312     | HB 25  | 362     | HB 322 |
| 313     | HB 62  | 363     | HB 325 |
| 314     | HB 131 | 364     | HB 416 |
| 315     | HB 203 | 365     | HB 451 |
| 316     | HB 274 | 366     | HB 486 |
| 317     | HB 286 | 367     | HB 509 |
| 318     | HB 323 | 368     | HB 515 |
| 319     | HB 328 | 369     | HB 517 |
| 320     | HB 334 | 370     | HB 532 |
| 321     | HB 341 | 371     | HB 560 |
| 322     | HB 352 | 372     | HB 576 |
| 323     | HB 363 | 373     | HB 581 |
| 324     | HB 461 | 374     | HB 595 |
| 325     | HB 462 | 375     | HB 709 |
| 326     | HB 488 | 376     | HB 607 |
| 327     | HB 502 | 377     | HB 633 |
| 328     | HB 523 | 378     | HB 669 |
| 329     | HB 563 | 379     | HB 745 |
| 330     | HB 572 | 380     | HB 780 |
| 331     | HB 577 | 381     | HB 784 |
| 332     | HB 611 | 382     | SB 42  |
| 333     | HB 613 | 383     | SB 83  |
| 334     | HB 619 | 384     | SB 97  |
| 335     | HB 622 | 385     | SB 151 |
| 336     | HB 627 | 386     | SB 180 |
| 337     | HB 648 | 387     | SB 195 |
| 338     | HB 674 | 388     | SB 206 |
| 339     | HB 713 | 389     | HB 603 |
| 340     | HB 751 | 390     | HB 75  |
| 341     | HB 761 |         |        |
| 342     | HB 771 |         |        |
| 343     | SB 22  |         |        |
| 344     | SB 126 |         |        |
| 345     | SB 181 |         |        |
| 346     | SB 182 |         |        |
| 347     | SB 191 |         |        |
| 348     | SB 208 |         |        |
| 349     | HB 143 |         |        |
| 350     | HB 330 |         |        |





















